

Also, petition of Seaver Post, No. 253, Grand Army of the Republic, of Rantoul, Ill., favoring the bill to increase Civil War pensions; to the Committee on Invalid Pensions.

Also, petition of Washburn Crosby Co., of Minneapolis, Minn., opposing the Vestal bill (H. R. 7482) to establish a standard of weights on flour, etc.; to the Committee on Coinage, Weights, and Measures.

Also, petition of St. Josephs Society, of Peru, Ill., opposing the Smith-Towner educational bills; to the Committee on Education.

Also, petition of Rockford Central Labor Union, of Rockford, Ill., protesting against the reviving of price-fixing boards; to the Committee on Agriculture.

Also, petition of United States Customs Inspectors' Association, favoring House bills 6659 and 6577; to the Committee on Expenditures in the Treasury Department.

Also, petition of the Crane Co., of Chicago, Ill., favoring House bills 5011, 5012, and 7017, relating to patents; to the Committee on Patents.

Also, petition of citizens of Marseilles, Ill., opposing the Fess-Harding bills for an appropriation to investigate the cause of Spanish influenza, etc.; to the Committee on Education.

By Mr. GOULD: Petition of National Association of United States Civil Service Employees at navy yards and stations, favoring increased compensation for the employees at navy yards and stations; to the Committee on Naval Affairs.

By Mr. GREENE of Vermont: Petition of sundry citizens of Vermont in re discontinuance of the blockade against the Russian Soviet Republic; to the Committee on Foreign Affairs.

By Mr. KEARNS: Petition of the Gilbert Grocery Co., of Portsmouth, Ohio, favoring the amendment now pending to the Lever law; to the Committee on Agriculture.

By Mr. MOONEY: Petition of T. J. Sokol, of Cleveland, Ohio, protesting against the passage of the Meyers bill; to the Committee on Foreign Affairs.

By Mr. RAKER: Letter from the Mississippi Valley Association, New Orleans, La., favoring proper water-power legislation by Congress; to the Committee on Rivers and Harbors.

Also, letter from Philip B. Lynch, attorney at law, Vallejo, Calif., indorsing House bill 9204, providing for an increase in pay for Navy officers; to the Committee on Naval Affairs.

Also, telegram from the Boston Manufacturing Co., Whittenton Manufacturing Co., and the Waltham Bleachery & Dye Works, of Boston, Mass., protesting against the licensing feature of the Longworth bill, H. R. 8078; to the Committee on Ways and Means.

SENATE.

TUESDAY, September 30, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to the duties of each day with a clearer vision of its importance and with a firmer grasp upon its duties after we have lifted our hearts to Thee and asked Thy guidance and blessing. Thou art the God of all the nations. Thou hast held us in the hollow of Thy hand. Thou hast led our fathers as Thou hast led us. Grant us to-day Thy grace for the discharge of the duties of this high office. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 2910. An act to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild, reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee"; and

H. J. Res. 208. Joint resolution authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va.

PETITIONS AND MEMORIALS.

Mr. PHIPPS. I have received from the Secretary of the National Association of Wool Manufacturers, of Boston, Mass., a letter answering statements made in a telegram from W. A. Snyder, of Denver, Colo., relative to wool importation from Great Britain, which telegram was inserted in the CONGRESSIONAL RECORD of September 22. I ask that the letter may be referred to the Committee on Agriculture and Forestry and printed in the RECORD.

There being no objection, the letter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF WOOL MANUFACTURERS,

Boston, Mass., September 26, 1919.

Hon. L. C. PHIPPS,

United States Senate, Washington, D. C.

SIR: Concerning the matter of the importation of Australasian wools, it seems to us necessary to correct several misstatements made in the telegram received by you from W. A. Snyder, of Denver, Colo., and inserted in the CONGRESSIONAL RECORD and referred to the Senate Committee on Agriculture and Forestry. As a matter of justice and fairness, we believe you ought to give to this correction the same treatment that you gave to the telegram. The principal points of error to which we call attention are the following:

1. The proposed shipment of Australasian wools to the United States is not an attempt on the part of England to dump wools here. It is a concession granted at the request of American manufacturers to supply a limited quantity of certain types of wool absolutely necessary for the continuation of production of fabrics, which wools are not available in domestic stocks and will not be available from the current domestic clip.

2. The amount mentioned in the telegram (namely, 50,000,000 pounds) is incorrect. The quantity which has been arranged for to sell in the United States in December (not November, as indicated in the telegram) is 50,000 bales, or approximately 15,000,000 pounds, instead of 50,000,000.

3. This amount will not have the effect of demoralizing prices of wool, because the demand for this type of wool is so much greater than the supply available.

4. The statement of the amount of wool stocks on hand apparently is taken from the Department of Agriculture figures for June 30, 1919, without regard to changes in stocks since that time, and also without regard to the quality of wool in stock. Of the total amount thus indicated, only about 254,000,000 pounds were of three-eighths blood or better. This is an amount entirely inadequate to supply the requirements of the mills for fine wools, and the amount of wools of this type in the domestic clip for this year will come far short of fulfilling the necessary requirements.

5. In order to keep the cost of cloth within reasonable limits, it is absolutely necessary to avoid any danger of shortage of fine wools such as would inevitably follow from the failure to secure an ample supply of wools of this kind from the one available source, namely, Australasia.

Respectfully,

PAUL T. CHERINGTON,

Secretary.

Mr. BRANDEGEE. I present a resolution adopted by James Connolly Branch, Friends of Irish Freedom, of New York City, N. Y., which I ask to have printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

HEADQUARTERS OF THE JAMES CONNOLLY BRANCH,

FRIENDS OF IRISH FREEDOM,

New York, September 26, 1919.

At a regular business meeting of the above branch, Friends of Irish Freedom, held at the Valcour Club, 1904 Bathgate Avenue, The Bronx, September 17, the following resolutions were proposed and unanimously adopted:

"Resolved, That we, the members of the James Connolly Branch, Friends of Irish Freedom, in meeting assembled, do hereby protest with all the power within us against ratification of that deadly menace to our Nation, our liberty, and our homes—that iniquity born of darkness and deceit, European selfishness, and juggling—the 'league of nations.'"

"Resolved, That we further protest against it as true Americans who feel that their beloved country should not be a tail to no European kite, who would give and have given the last drop of blood in their veins to defend that country's honor, and who will make the same sacrifices again, if needful, to preserve that country from dangerous European alliances; and who further protest most emphatically against ratification in any shape or form of 'article 10' in said league, feeling it to be a most sinister movement aimed at robbing once more American motherhood of those near and dear to them in the person of their growing sons, to pay the price in blood and tears for Europe's 'secret treaties' and 'right by might' conquest of small and weak nations."

RODERICK J. KENNEDY,

Vice President.

MICHAEL FURLONG,

Secretary.

HELEN CUSACK,

FRANK CONWAY,

JOHN FLATLEY,

Mrs. J. ROSS,

Committee on Resolutions.

Mr. LODGE presented the petition of Charles Barsotti, editor of Il Progresso Italo-Americano, of New York City, N. Y., praying that justice be done to Italy in the matter of Fiume, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Cambridge, Chelsea, Newton, Milton, Somerville, Cliftondale, Lynn, Brookline, Quincy, Boston, and Braintree, all in the State of Massachusetts, praying for the ratification of the proposed league of nations treaty without amendment, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Boston, Worcester, Brockton, Somerville, North Cohasset, Walpole, Wollaston, South Braintree, and Salem, all in the State of Massachusetts, remonstrating against the ratification of the proposed league of nations treaty and praying for its separation from the treaty of peace, which were ordered to lie on the table.

He also presented a resolution adopted by the city council of Malden, Mass., favoring the enactment of legislation providing proper punishment for profiteers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Patrick Henry Branch, Friends of Irish Freedom, of Gardner, Mass., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. NEWBERRY presented a petition of sundry citizens of Grand Rapids, Onsted, Rogers, Newberry, and Lansing, all in the State of Michigan, praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. CAPPER presented a memorial of Local Union, No. 751, Brotherhood of Railway Carmen, of Topeka, Kans., remonstrating against the passage of the so-called Cummins bill, providing for private ownership and control of railroads, etc., which was referred to the Committee on Interstate Commerce.

Mr. WALSH of Massachusetts. I have received a communication in the nature of a petition favoring ratification, without amendment, of the league of nations treaty. The communication is from the president of the Newton Theological Institution, the religious educational center of the Baptist Churches of Massachusetts. I ask that it may be printed in the Record.

There being no objection, the communication was ordered to be printed in the Record, as follows:

THE NEWTON THEOLOGICAL INSTITUTION,
Newton Center, Mass., September 23, 1919.

HON. DAVID I. WALSH: I have the honor of transmitting to you the following resolution, unanimously adopted by the faculty and students of the Newton Theological Institution, Newton Center, Mass., September 23, 1919:

"In the interest of the organized peace of the world we urge our Representatives in the United States Senate not to imperil the league of nations by adopting amendments which will necessitate a reopening of peace negotiations. Whatever the defects of the proposed league, they can be remedied in the light of experience. It is time to make an experiment in human brotherhood."

Respectfully, yours,

GEORGE EDWIN HORE.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2716) to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office (Rept. No. 229):

A bill (H. R. 753) for the relief of Susie Currier (Rept. No. 227); and

A bill (H. R. 2452) for the relief of Charles A. Carey (Rept. No. 228).

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 2773) for the relief of Ethel Proctor, reported it with an amendment and submitted a report (No. 230) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3109) to amend section 26 of the act approved July 17, 1916, known as the Federal farm-loan act; to the Committee on Banking and Currency.

By Mr. CALDER:

A bill (S. 3110) to amend the revenue act of 1918, approved February 24, 1919; to the Committee on Finance.

A bill (S. 3111) granting an increase of pension to Ann G. Ford; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3112) for the relief of certain settlers in Oregon for losses sustained during the Rogue River Indian outbreak in southern Oregon in 1855; to the Committee on Indian Affairs.

By Mr. KNOX:

A bill (S. 3113) for the relief of James Russell; to the Committee on Military Affairs.

By Mr. DILLINGHAM:

A bill (S. 3114) granting an increase of pension to George Whitcher; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3115) authorizing the Secretary of the Interior to correct an error in an Indian allotment; to the Committee on Indian Affairs.

By Mr. ELKINS:

A bill (S. 3116) granting an increase of pension to John C. Dearing; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3117) granting a pension to Elise Seabel; and
A bill (S. 3118) granting an increase of pension to Eliza M. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 3119) for the relief of Con Murphy (with accompanying papers); to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 3120) granting a pension to William McClure (with accompanying papers); to the Committee on Pensions.

By Mr. STANLEY:

A bill (S. 3121) to amend the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919; to the Committee on Military Affairs.

A bill (S. 3122) for the relief of the National Laundry Co.; to the Committee on Claims.

A bill (S. 3123) granting a pension to Mary Ellen Woodward (with accompanying papers); and

A bill (S. 3124) granting a pension to George Price (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3125) authorizing the Secretary of War to transfer certain surplus machine tools and other equipment to the Federal Board for Vocational Education; and

A bill (S. 3126) authorizing the detail of commissioned officers of the Army to take courses of instruction within two years from date of commission; to the Committee on Military Affairs.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL.

Mr. MYERS submitted an amendment relative to the salaries of members of the Metropolitan police force of the District of Columbia, intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WAR-RISK INSURANCE.

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 8778) to amend and modify the war-risk insurance act, which was referred to the Committee on Finance and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 29th instant, approved and signed the joint resolution (S. J. Res. 75) authorizing the appointment of an ambassador to Belgium.

LANDING OF MARINES IN DALMATIA.

Mr. NEW. If it is in order at this time, I ask for the consideration of Senate resolution 198, which was submitted yesterday and went over under the rule.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution, which will be read.

The Secretary read Senate resolution 198, submitted yesterday by Mr. New, as follows:

Whereas it is reported in the newspapers of this date that a force of American sailors or marines were landed on the Dalmatian coast from a vessel of the United States Navy by direction of the British Admiralty and without the knowledge of the President, the Secretary of the United States Navy, or other competent authority of the United States: Therefore be it

Resolved, That the Secretary of State be requested to inform the Senate of the facts concerning this report at the earliest possible moment.

Mr. POMERENE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Hale	Keyes
Ball	Dial	Harding	Kirby
Bankhead	Dillingham	Harris	Knox
Beckham	Edge	Harrison	La Follette
Borah	Fernald	Henderson	Lenroot
Brandegee	Fletcher	Hitchcock	Lodge
Calder	Frelinghuysen	Jones, N. Mex.	McCormick
Capper	Gay	Jones, Wash.	McKellar
Chamberlain	Gore	Kendrick	McLean
Culberson	Gronna	Kenyon	McNary

Moses	Penrose	Simmons	Trammell
Myers	Phelan	Smith, Ariz.	Underwood
Nelson	Phipps	Smith, Ga.	Wadsworth
New	Poinceter	Smoot	Walsh, Mass.
Newberry	Pomerene	Spencer	Walsh, Mont.
Norris	Ransdell	Sterling	Warren
Nugent	Robinson	Swanson	Watson
Overman	Sheppard	Thomas	Williams
Page	Shields	Townsend	Wolcott

Mr. McKELLAR. The Senator from Nevada [Mr. PITTMAN], the Senator from Maryland [Mr. SMITH], and the Senator from Kentucky [Mr. STANLEY] are detained from the Senate on official business. The Senator from South Dakota [Mr. JOHNSON] is detained from the Senate by illness in his family. He is paired with the Senator from Maine [Mr. FERNALD]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-six Senators have answered to the roll call. There is a quorum present. The pending question is on the resolution of the Senator from Indiana [Mr. NEW], which has heretofore been read.

Mr. HITCHCOCK. Mr. President, I desire to ask the Senator from Indiana why he addresses this resolution to the Secretary of State? If the resolution is proper at all—and I suppose it is proper if the Senate wants to keep picking away at these things—I would ask why the Senator does not address the resolution to the President of the United States, as he is involved in this matter?

Mr. NEW. Mr. President, I have addressed the resolution to the Department of State as being the department of the Government which is supposed to have information about such matters, if anyone has any information these days about what is being done with American troops. I thought the resolution was addressed to the proper authority, and I still think so. However, I have no objection to modifying the resolution so that it shall be addressed to the President, if it would be more acceptable to the Senator from Nebraska in that form.

Mr. HITCHCOCK. The subject of the resolution involves the Secretary of the Navy; the Senator's inquiry makes it involve the Secretary of State; it also involves the President of the United States by mentioning him in the preamble; and it seems to me, under those circumstances, it clearly ought to go to the President of the United States.

Mr. NEW. Mr. President, I have no objection to the resolution going to the President. I had supposed, however, and I still suppose, that the Department of State was the department of the Government charged with the duty and responsibility of collecting such evidence as that for which the resolution calls.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. NEW. Certainly.

Mr. THOMAS. If I mistake not, all inquiries for information from the Secretary of State are addressed to the President, the President being the head of foreign affairs and the Secretary of State reporting to him. If I am in error in that statement, the junior Senator from Pennsylvania [Mr. KNOX] will correct me. I think that all inquiries, by way of resolution, of the State Department have heretofore been addressed to the President.

Mr. KNOX. Mr. President, the practice has been both ways. Practically, it is a request to the President, even though it goes to the Secretary of State, as the President decides the question as to whether or not it is compatible with the public interest to make the reply. So in any form it is in effect a request of the President. It only goes around through the Department of State.

Mr. THOMAS. I suggest that the resolution be amended so as to go directly to the President. I think that would be better.

Mr. NEW. I will accept that amendment, if it is suggested as an amendment, Mr. President.

Mr. THOMAS. I suggest it as an amendment.

Mr. NEW. I accept the amendment.

Mr. KNOX. I suggest to the Senator from Indiana also to insert the words "if not incompatible with the public interest," because that is the form usually followed.

Mr. NEW. I accept that suggestion also.

Mr. HITCHCOCK. Mr. President, as modified, so far as I am concerned, there will be no objection to the adoption of the resolution. I think, however, it is rather discreditable to the Senate of the United States to be forever prodding the administration about these matters, which are necessarily routine and within the jurisdiction of the President under present war conditions. It is just as reasonable for the United States at the present time, under the decisions of the supreme council, to land marines on Austrian territory as it is for us to hold soldiers on German territory, and there is no more reason for inquiring into one than there is for inquiring into the other;

but if the Senator wishes to get the information I am perfectly willing to have him get it.

Mr. NEW. Mr. President, I think it is discreditable rather than so many occasions arise to make these inquiries necessary. I think that the people of the United States are interested in knowing just what are the facts behind the landing of armed American forces on the coast of a country with which we are presumably at peace. The resolution calls for that information and for nothing more.

Mr. HITCHCOCK. Mr. President, to what does the Senator refer when he says "a country with which we are at peace"?

Mr. NEW. We are not at war with Italy and have never been at war with Italy.

Mr. HITCHCOCK. This is not Italian soil.

Mr. NEW. Nor have we been at war with Serbia.

Mr. HITCHCOCK. But this is not Serbian soil.

Mr. NEW. It is Dalmatia; and we are not at war with Dalmatia, and have not been.

Mr. HITCHCOCK. This is Austrian soil.

Mr. NEW. Very well.

Mr. HITCHCOCK. And we are just as much at war with Austria as we are with Germany. Now we are on German soil with our Army for temporary purposes. Why should not our marines be on Austrian soil? The Senator may be laboring under the delusion that this is Italian soil, but it is not Italian soil.

Mr. NEW. Mr. President, our troops were landed there to interfere with the nationals of a country with which we are not only at peace, but with which we have been associated in the war which has just come to a close. I can see no possible objection to furnishing to the Congress of the United States and, through it, to the people of the United States the facts which are sought to be obtained by the resolution. If the Senator has no further objection to interpose, I should like to have the resolution adopted.

Mr. HITCHCOCK. There is no objection to the resolution, if Senators are willing to father a constant reiteration of annoying and unnecessary proddings of an administration which is doing the best it can under serious circumstances. The Senator would be just as much justified in demanding of the President to know why our soldiers are on the bridgeheads of the Rhine. They are there for necessary war purposes; they are there for the purpose of preserving the peace; and in this case, on Austrian soil, they are there to endeavor to prevent insurrectionary and lawless conflicts between the Jugo-Slavs and the Italians. The Senator knows that such outbreaks would be disastrous and might result in setting on fire again the material which has only recently been saved from the disasters of war. Now, if the Senator wants to go on, he will get the information from the President; he will get the information which he ought to know now, that this is Austrian soil; that there is danger there of race conflict between Italians and Jugo-Slavs, and that American marines are there in performance of the policy of the supreme war council which has been in effect since the armistice was signed, and are there for the purpose of preserving order until by peaceful methods the settlement of the war can be brought about.

Mr. KNOX. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. NEW. I yield to the Senator from Pennsylvania.

Mr. KNOX. Mr. President, I really do not think that the Senator from Indiana has deserved the severe rebuke he has received from the Senator from Nebraska; nor do I think that it is quite fair or quite in accordance with the facts to charge Senators upon this side with undertaking to heckle the administration in connection with this war or anything that has grown out of the war. I do not think there has ever been a more splendid illustration of the absence of partisanship and the presence of a high-minded attitude toward the projects of the administration connected with the war than the Republican Party and the Democratic Party in the Senate have shown during this war. It is a mistake upon the part of the Senator from Nebraska to say that we have habitually been landing marines; that there has hardly been an administration during which marines have not been landed in Central and South America.

The Senator from Nebraska overlooks the significant fact that in the past wherever we have landed American marines or wherever we have sent the American Army or the American Navy we have sent them to defend the lives and property of American citizens. This thing stands out by itself. It may be a necessary outcome of the war. It may be that these marines were landed under sufficient authority. If that is true, it is likely to be repeated again and again before this great conflict

has been finally closed; and if that is likely to occur, it seems to me that the Senator from Nebraska should welcome the opportunity to have laid before the Senate and before the people, for the first and probably necessarily for the last time, a full explanation of the reasons and the circumstances and the conditions under which it may recur.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. NEW. Certainly.

Mr. SWANSON. I have heard the remarks of the Senator from Pennsylvania. It seems to me that this is the state of facts with reference to Dalmatia:

The war against Austria was progressing. There was a collapse of the Austrian Empire. Certain territory on the Adriatic was taken over by the allied powers. Certain territory was assigned, with the agreement of the Italian Government, for the supervision and control of the troops of the United States, with her authority. I should like to ask the Senator if he is willing, under an obligation like that, the promise of the Italian Government, this territory having been turned over to the jurisdiction of the United States until peace is made and the treaty ratified, for the United States troops to be driven out in violation of a contract and in violation of this obligation?

Mr. KNOX. Mr. President, if the Senator from Indiana will permit me—

Mr. NEW. Certainly.

Mr. KNOX. As far as the Senator from Pennsylvania is concerned he has not raised any such question. We can not take the word of the Senator from Virginia about these international matters. I will take his word personally for anything that he may choose to give it for, but we are entitled to have the information directly.

Mr. SWANSON. I ask the Senator, under a state of facts like that, is he willing for the flag of the United States to be driven out without consulting its Government?

Mr. KNOX. I want to know what are the facts.

Mr. SWANSON. I say, if those facts should be disclosed—and, as I understand, they have been disclosed; I think they were disclosed by the Secretary of the Navy to-day; I think that has been the understanding, that a certain part of the Adriatic was turned over to Italy and a certain part to the United States and a certain part to others to take care of pending a treaty of peace. I for one, as an American citizen loving the American flag, will never consent to have that flag, when it is put there properly under an agreement during war, driven out by anybody, if that state of facts exists.

Mr. NEW. Mr. President, if that state of facts exists, it is very evident from what the Secretary of the Navy said yesterday that he did not know it. So far as I am concerned, I should like to have the details of the agreement that is mentioned by the Senator from Virginia. Like the Senator from Pennsylvania, of course I am willing to take the word of the Senator from Virginia for almost anything, but I should like to have officially the facts about this agreement.

Mr. SWANSON. I think the facts ought to be given officially.

Mr. NEW. That is what this resolution calls for.

Mr. SWANSON. I have not authoritative information; that is true; but what I protest against is condemning your own Navy and your own Government, before you get the facts, for what occurred yesterday. Anybody would have imagined yesterday, from the discussion in this Chamber and what has been given out, that the United States had declared war against Italy.

Mr. NEW. Why, Mr. President, I think the Senator will search in vain in the RECORD, either yesterday or to-day, for any word that was said by anybody on either side of this question that reflects upon the Navy of the United States or any official connected with the United States Government. The resolution asks for a plain statement of the facts as far as they can be revealed, and I think the Congress of the United States is entitled to them. I think the people of the United States are entitled to them. I am perfectly willing to father this resolution. If I had not been, I would not have introduced it. I think the time has come when the people of the United States should know the character of the agreement mentioned by the Senator from Virginia, if there is such a one. Let us know the facts. That is what this resolution calls for. Senators speak of an order having been issued by the supreme council. I think it would be well for us to know who our representative on the council is.

Mr. SWANSON. Mr. President, if the Senator will permit me, here is what I am referring to:

Mr. LODGE. Mr. President, may I ask the Senator a question?

Mr. HITCHCOCK. Yes.

Mr. LODGE. When did we go to war with Italy?

Mr. HITCHCOCK. We have not gone to war with Italy.

Mr. LODGE. It is the Italians that we drove out of Tran-

I can not draw any other deduction from that than that there was an impression on the mind of the senior Senator from Massachusetts that we had declared war against Italy. It would convey that impression to the country.

Mr. LODGE. Oh, no, Mr. President, I never suggested that we had declared war against Italy. I said that we had been guilty of an act of war.

Mr. SWANSON. The Senator wanted to know when we declared war against Italy.

Mr. LODGE. I did not say we declared war against Italy. Of course, that is too absurd.

Mr. SWANSON. The Senator does not claim that this is a declaration of war by Congress, but that it is an act of war?

Mr. LODGE. I think it looks very much like it.

Mr. HITCHCOCK. The Senator used this language:

When did we go to war with Italy?

That is the Senator's inquiry.

Mr. LODGE. Precisely; that is just what I mean, because we never have gone to war with Italy.

Mr. HITCHCOCK. The Senator from Pennsylvania discussed an invasion, and the Senator from Massachusetts discussed going to war, whereas the fact was that our marines were landed on Austrian territory under an agreement with Italy, Great Britain, and France.

Mr. SWANSON. What I protest against—

Mr. LODGE. When was that agreement made, and who made it?

Mr. SWANSON. Mr. President, I think I have the floor. What I protest against is that before you ascertain the facts, before you have this resolution of inquiry presented to the President, you condemn your own Government, and try to create friction abroad. Why did you not make the inquiry and learn the circumstances under which it was done before you commenced condemning it? All that we asked was that you should suspend your judgment until you got the facts, which you failed to do.

Mr. LODGE. That is what I want to get, and what I can not get from anybody on your side: Who made the agreement? When was it made?

Mr. SWANSON. What agreement?

Mr. LODGE. The agreement to land troops to protect the Dalmatian coast.

Mr. SWANSON. As I understand—and I simply say this from general information derived at the time—when the arrangements were made for the Adriatic, certain territory was to be guarded by the United States, and certain territory was to be guarded by England and others. Now, I may not have accurate information; I do not speak authoritatively; but what I protest against is that the chairman of the Foreign Relations Committee of the Senate, while he is waiting for information which he can get if the resolution is passed, does not suspend his judgment, but condemns his own Government.

Mr. LODGE. I am not condemning my own Government. I want to know; that is all. I ask the Senator who made the agreement, and where was it made, and by whom?

Mr. SWANSON. The Senator can get that information; but why did he not suspend judgment until the information came in, so as to see whether his judgment was right or not?

Mr. LODGE. The Senator from Virginia evidently has not got it himself.

Mr. HITCHCOCK. Mr. President, the agreement was the order of the supreme council, which is made unanimously, and the United States participates in it.

Mr. LODGE. I see.

Mr. HITCHCOCK. The Senator knows very well that since last November the supreme council has been in control of all of these territories, of the German territory as well as of the Austrian territory; and it does not make any difference whether, under the orders of the supreme council, military forces are used or naval forces. They are used by concurrence and agreement between the great nations that constitute the supreme council.

Mr. LODGE. Our forces are under the control of the supreme council?

Mr. HITCHCOCK. Just as those of Great Britain and France and Italy are, to the extent that Italy can control her own forces. The Senator knows that.

Mr. LODGE. They may or may not be; but I notice that it is the American ships that are ordered to the place.

Mr. FALL. Mr. President, has the Senator from Massachusetts any information as to the composition of this supreme council, by what authority it was constituted, and who constitute it?

Mr. LODGE. I have none.

Mr. FALL. It seems to me that that is the first question to be answered. I should like to know if the Senator from Nebraska has any information on that point.

Mr. HITCHCOCK. The Senator knows how the supreme council was constituted.

Mr. FALL. I am asking the Senator from Nebraska.

Mr. HITCHCOCK. It was constituted by the nations that were associated in the war.

Mr. FALL. What nations?

Mr. HITCHCOCK. Great Britain, France, Italy, Japan, and the United States.

Mr. FALL. Did the Senator assist in constituting it in any way?

Mr. HITCHCOCK. I did not. It was a war measure—

Mr. FALL. Who did?

Mr. HITCHCOCK. And we are still under war conditions, as the Senator very well knows. No treaty of peace has been agreed to. The Senator goes on the theory that we are at peace. We are not at peace. We have stopped fighting; that is all. We are operating under an armistice, and during this temporary period between war and peace the supreme council must of necessity have control over the forces that are there keeping Germany in check and keeping Austria-Hungary in check.

Mr. FALL. If the Senator will yield to me, getting back to my question, who are the supreme council, and how were they constituted, and who are they? Who constitutes the supreme council now?

Mr. HITCHCOCK. They are constituted by the war powers of the nations that were associated in the war; and the supreme council will be there, and will be in control of the situation, until this treaty of peace is ratified.

Mr. FALL. I defy the Senator to name the American member of it. Who is he?

Mr. HITCHCOCK. I am not going to name anything to the Senator.

Mr. FALL. The Senator does not know anything about it.

Mr. HITCHCOCK. The Senator can defy until he is black in the face; but he knows, and all the Senators know, who are here holding up this treaty and delaying its ratification by a systematic filibuster, in spite of the will of the people of the United States, that the supreme council exists in Europe, and will exist until the nations are at peace.

Mr. FALL. I do not know anything of the facts, and neither does the Senator from Nebraska.

Mr. HITCHCOCK. Then the Senator is worse off than I thought he was.

Mr. FALL. The Senator has been seeking information from just such sources as he is getting it from now, and he gets a stump speech whenever he asks for information.

Mr. HITCHCOCK. I thank the Senator. He is very kind.

Mr. FALL. The Senator from Indiana has the floor, as I understand.

Mr. NEW. I yield the floor.

Mr. FALL. I was trespassing upon the time of the Senator from Indiana.

Mr. NEW. I simply wanted to ask the question which the Senator from New Mexico did ask, as to who is the representative of the United States upon the supreme council.

Mr. FALL. Then, Mr. President, if I have the floor, I should like to know who the members of the supreme council are first, and what difference there is between the peace commission, if there is one, representing this country and what he calls the supreme council, and who constitute the members, if there are any members, of the peace commission of the United States.

The VICE PRESIDENT. The resolution does not call for that information.

Mr. FALL. Mr. President, while they are seeking information over the telephone, I presume, I should like some other information. I should like to know if there is not a treaty pending which was refused to the Foreign Relations Committee of the Senate concerning the Dalmatian and Adriatic coasts; and I should like to know, while the Senator is hunting his information, if the treaty which was printed here by order of the Senate a few days ago, which the Senator from Massachusetts succeeded in obtaining from some portion of the earth, apparently, does not deal with this question?

Mr. HITCHCOCK. Is the Senator asking me any question?

Mr. FALL. Well, I do not think I will get any information. I am just throwing out this inquiry, so that the Senator, if he can acquire the information, may give it to the Senate later. I am suggesting information upon which I should like to found action in voting finally. I am suggesting a reason for what

might be denounced, and has been denounced by the Senator, as delay in the consideration of the treaty pending before us.

I am suggesting, Mr. President, this: I listened a few days since to the Senator from Nebraska expressing his virtuous indignation that the Senator from Massachusetts should ask to have read to this body a treaty with Austria, which is involved in the treaty which we now have under consideration, and concerning which no hearings have been had. I would like to have had some information concerning this very Adriatic coast and the disposition which is to be made in treaties which are being held back from the Senate of the United States, which the President has in his possession, but which he has simply said he did not propose to give us until we were through with this treaty. They are inextricably mixed up with the matter now under discussion, and if we had information of this kind it would not compel us to go to the columns of news press day by day for information with reference to foreign affairs. Then these little interesting controversies would not occupy so much of the time of the Senate and the Senator would not be justified in accusing Senators upon this side of entering into a filibuster for the purpose of deferring consideration of the treaty which is now before us.

If a few intelligent questions—or, possibly, to the mind of the Senator from Nebraska, entirely unintelligent questions—could be answered, if a little light could be thrown upon some of these subjects by some one claiming to know something about them, we would not necessarily be compelled to scan so closely the columns of the daily press and we would not be compelled to ask for information based upon such information as we obtain from the daily press. But the Senator knows perfectly well that he does not know how this great commission he is talking about is functioning, because there are no reports made here as to how it is functioning, or, if there are, they do not get past the White House, and no information is given upon them. The Senator has not that information in his possession.

Mr. HITCHCOCK. Mr. President, we are making no objection to the passage of this resolution. What we do object to is the everlasting disposition here to prod and annoy an administration that is doing the best it can to conclude this war and reach a settlement of peace. I know that Senators on the other side of the aisle in general can not sympathize with this disposition. I know that, while they want all legitimate information possible, they are not sympathetic with the disposition to be constantly heckling and attacking the President of the United States in the administration of his duty. Congress, by a magnificent spectacle of patriotism and public spirit, placed in the hands of the President practically unlimited resources and unlimited power to fight this war to a successful conclusion. It gave him great powers—not only the ordinary war powers which a President may have as the Commander in Chief of the Army and Navy, but enormous powers, in addition to those, at home.

Is the Senate not content to permit the exercise of those powers in the discretion of the President until a conclusion has been reached? It is true an armistice was signed last November, which went into effect, I believe, the 11th of November; but Senators know that all Europe is in an upheaval still. They all know the dubious condition of things over there. They know the terrible problems of the Dalmatian coast, the great difficulty that nations had in agreeing to the terms of the settlement of the Dalmatian coast. They certainly know that Italy, with every good intention in the matter, is confronted with practically an insurrection among her troops and a threatened revolution. Do they want to have the thing thrown into still worse confusion?

The nations have agreed, practically, on the settlement of the Dalmatian coast problems, and Italy is only restrained by insurrection. It is just as necessary to have naval authority along the Dalmatian coast at the present time in Austrian territory as it is to have military authority along the banks of the Rhine between France and Germany. Those are matters with which the Senate of the United States has nothing to do. We can not direct the Army and Navy where to proceed. It is the President, and the President only, who can do it, as far as the United States is concerned.

Moreover, Mr. President, the United States is not the only one to be considered. The President is compelled to cooperate with the other nations associated with him, and he has done so by the formation of the supreme council. When the supreme council acts, the President of the United States acts. It is his act as much as it is the act of any other nation. We are in no position to call him to account for what he does through the supreme council. The supreme council has jurisdiction over war matters, and war matters only, and war matters and war conditions must prevail as long as men have arms defying the authority of the supreme council, because when they defy the

supreme council they defy the United States as well as Italy, because the countries are united in solving the problems of the Dalmatian coast. There is a coast with races intermixed, with difficult problems to solve, the Jugo-Slavs and Italians side by side, living together in a condition in which lawlessness may break out at any time. We ought not to aggravate the situation. We ought to leave the President alone to work out that problem as best he can, in connection with the executive heads of the other nations in the supreme council.

Mr. President, we ought to do something else. We ought to act on this treaty. I say act on it, and I mean act on it, even if it goes against what I believe ought to be done. We ought not to sit here day after day postponing its consideration as long as possible until 2 o'clock. We ought to meet here every morning and take up the peace treaty, and when we reach an amendment we ought to discuss that amendment and not something else.

Yet while the Fall amendments have been before the Senate now for several days there has not been a word of discussion upon the Fall amendments. And to-day, instead of discussing the Fall amendments when the hour of 2 o'clock arrives, I suppose we will have a repetition of what we had yesterday, discussion of something that has nothing to do with the Fall amendments—anything to delay, anything to procrastinate, while a few leaders think they are making a little political capital and getting a political issue.

I warn Senators who are looking for a political issue of that sort that they may find it, but they may afterwards regret doing so. I remember a story of a man who went forth to buy a horse, and he was so anxious to get the horse that he was a little careless in the precautions which he took. He was just as anxious for the horse as these Senators are for a political issue. When he finally found an animal that he thought would suit, he bargained with the man as to the price of the horse, and they agreed upon the price. He took out his money and was about to pay it, but then he said to the man, "Oh, see here; has this horse any faults?" "Well," the man said, "yes; he has two faults." "Well," the purchaser said, "what are they?"

The owner said, "Well now, I will be fair. I will tell you one fault before you pay me the money, and I will tell you the other fault after you pay me the money." The purchaser asked, "What is his first fault?" "Well, the first fault is that I have a good deal of trouble catching this horse when I go out in the morning in the pasture. Sometimes it takes me 15 or 20 minutes to catch the horse." "Oh, well," the purchaser said, "that is all right. Here is your money. Now, what is his second fault?" The seller, as he stuck the money in his pocket, said, "Well, his second fault is that after you catch him he isn't worth a damn." [Laughter.] Senators can draw their own conclusion. After they get the political issue it may then be of not much more value than that horse.

Mr. McCORMICK. Mr. President, does the Senator from Nebraska—

The VICE PRESIDENT. Just a moment. There will be a little order in the Senate. The Chair recognizes the Senator from New Mexico [Mr. FALL].

Mr. FALL. I yield to the Senator from Illinois.

Mr. McCORMICK. I was going to ask if the Senator from Nebraska was speaking of the league of nations when he described the purchase of the horse.

Mr. FALL. No; that would not come under a horse story; it would be a first cousin of the horse. [Laughter in the galleries.]

The VICE PRESIDENT. The occupants of the galleries have not only been furnished cards by the doorkeepers, but they have been warned. There is going to be quiet in these galleries while I preside here, and whoever does not keep quiet is going to be put out.

Mr. FALL. Mr. President, I had risen to ask the Senator from Nebraska a question, not to make a speech. The Senator from Nebraska stated that the Fiume question had been settled, that Italy had acquiesced in the settlement, and the settlement was only being held up by a revolution, or an insurrection, in the Italian ranks. I presume the Senator had reference to the seizure of Fiume by some Italian soldiers. Now, that is not my understanding of the situation at all. If the Senator from Nebraska has any information with reference to this question, if he has knowledge of the fact that Italy has acquiesced, if there has been a settlement agreed upon with reference to the Fiume proposition or the Dalmatian question generally to which Italy adheres, I wish he would communicate it to the Senate. The Senator has made the statement that it is only being held up by an insurrection.

Mr. HITCHCOCK. I made that statement. The supreme council acts by unanimity, and that requires the assent of Italy. The supreme council has acted.

Mr. FALL. How? What has it done?

Mr. HITCHCOCK. It has acted by apportioning the section of the Austrian coast that shall be looked after by the various forces, and America has a duty to perform there.

Mr. FALL. I am not speaking of that, Mr. President. The Senator has said that a settlement has been made of this Dalmatian question, to which Italy has acceded. Now, I want to know what that settlement was.

Mr. HITCHCOCK. The Senator will find out in due time. That matter is not before the Senate yet, and I do not propose to drag in extraneous matters, nor, as far as I can prevent by my protest, to permit them to be brought here. We have a treaty before the Senate, or that ought to be before the Senate, and there is a deliberate purpose to delay it and hold it up. I do not believe that purpose is indorsed by the majority of Senators on the other side of the aisle, either. I believe they will respond to the desire of this country for action on this treaty. I am willing that it should be defeated, if only we have action. The worst thing is inaction; the worst thing is doubt. Any result is better than that. Why do Senators continue to procrastinate and delay? Why do they not come to a vote—come to a vote to-day on the Fall amendments? Why are they afraid to vote?

Mr. FALL. Mr. President, I asked a simple question, based upon a flat statement of the Senator from Nebraska, and he can not answer it, of course, because there is no such thing. It is not a fact that he has stated. There has been no final or definite settlement of the Dalmatian or Fiume question, which is being held up by an insurrection. Therefore, of course, the Senator could not answer. But he made the statement.

Our usual source, and our only source of information here, failing to acquire any information from the Senators who are so strongly supporting this treaty, is the public press. We are compelled to go to the press for information. The Associated Press is usually fairly correct in its statements, when it makes any at all. I have here under date of the 27th, a quotation from the speech of Tommaso Tittoni, foreign minister of Italy, speaking in the Chamber of Deputies on that day. The Senator from Nebraska, of course, has access to the same sources of information which are open to the Senator from New Mexico, and he will understand that on yesterday the Chamber of Deputies voted confidence in the ministry. Signor Tittoni says that the situation is growing worse. This article reads:

On the contrary, Signor Tittoni asserted, it had been made more serious and complicated, as the American peace delegation had to communicate with the President by cable, which made delay inevitable.

Not the supreme high council, but the American peace delegation, which is handling and complicating the situation; and they undertook to secure the advice or the consent or the command of the President of the United States by cable, and have not been able to do so. The dispatch continues:

"The question of our relations with President Wilson will have to be cleared up some day," the foreign minister continued. "The inquiry must not be limited to the period commencing with the opening of the peace conference, but must go back to the time of the intervention of the United States in the war, and even farther."

"From the time of President Wilson's manifesto in November, 1916, it was clear he intended to become an arbiter between the combatants. After the intervention of the United States this characteristic of arbiter became accentuated. From December 27, 1917"—

Mark the date—

"our foreign ministry was informed that President Wilson would be considered in Great Britain as the supreme arbiter, be it for continuation of the war or the drafting of peace terms. Some of our diplomatic agents warned the Government it was necessary to secure without delay President Wilson's support for our national claims."

Signor Tittoni said that when the war ended with victory he was convinced Italy would be given recognition of her national aspirations proportionate to her sacrifices. "On the contrary," he added—

This is the official statement of the Italian premier to his Congress, reporting to them the situation and asking their vote of confidence, which he received yesterday—

"On the contrary," he added, "the Italian peace delegates had to engage in a daily struggle to obtain merely partial recognition of Italy's national program. The peace conference had to forego its principal task of drafting peace terms and change itself into an assembly to settle the fate of the whole of Europe, to create new states, to fix new frontiers, and to govern Europe."

Mr. President, this is the opinion of Italy with reference to the trouble now, and there has been no agreement; not yet, sir. The President left France after having driven Orlando out of France, and he left France without settling even the Fiume question.

Mr. THOMAS. Mr. President—

Mr. FALL. I yield to the Senator from Colorado.

Mr. THOMAS. Is not the Senator confounding a final adjustment of these difficulties with some understanding pendente lite whereby the disputed territory may be policed, if I may use that expression? Of course, there has been no adjustment of

the Fiume and other controversial claims on the Adriatic, but the Senator knows, because he is one of the best posted men on public affairs in public life—the Senator knows better than I do, perhaps, that French and British troops or garrisons were in Fiume, pursuant either to the order or the understanding of the allied council, prior to its capture by D'Annunzio, and they were there pursuant to this agreement to keep order, so to speak, to prevent the Jugo-Slavs, on the one hand, and the Italians, on the other hand, from rushing at each other's throats. It may prove when we get the information that I am mistaken, but I can not believe that marines were landed on the Dalmatian coast except by that understanding or agreement or order, whatever it may be called, of the allied council, requiring the Americans to look after that part of the coast, and particularly after the very sensational conduct of D'Annunzio, which will probably be accepted by the Italian people, because they can not help themselves. In other words, it seems to me that really the difference between the Senator from New Mexico and the Senator from Nebraska is in confusing the agreement to which each has referred, the one to the final settlement and the other to some arrangement to keep peace until that final settlement is reached.

Mr. FALL. The Senator from Colorado is always level headed, his judgment is excellent, and his suggestions always timely. The mistake, however, under which the Senator is laboring with reference to the position of the Senator from New Mexico is that the Senator from New Mexico is endeavoring to acquire information from some source, and he is only giving as a fact what he understands to have been the situation. For example, the Senator remembers the war between Austria and Italy was on the Italian front and by the Italian Army, in which Great Britain and France were represented to a comparatively small number, and that then an armistice was entered into between Italy and Austria by which Austria withdraws beyond certain lines. That included Dalmatia, Fiume, and the coast of the Adriatic now in dispute.

In so far as the Senate is concerned, no further information has been obtainable, at least by myself, except such as we get through the columns of the daily press, with reference to any disputes whatsoever on the Adriatic or Dalmatian coast and in Fiume. We hear that the great peace council has been negotiating with reference to it, and now we hear that the supreme war council, acting under war powers, has directed the landing of our marines. That may be true—

Mr. THOMAS. Mr. President, if I misunderstood the Senator, it was because he asserted, and nobody can deny it, that there has been no settlement of this difficulty on the coast of the Adriatic. I inferred from that that he was carrying one agreement in his mind differing entirely from that to which the Senator from Nebraska referred.

Mr. FALL. I think I caught clearly the distinction which the Senator from Nebraska drew, at any rate. The peace council, on the one hand, is endeavoring to arrive at a peace settlement and to embrace in the same character of treaty a disposition of Fiume and certain other portions of the Adriatic and Dalmatian coast. In the meantime, the supreme war council is using the naval forces of the United States for the purpose apparently, and that is what we want to know, of keeping peace or driving certain people out of certain districts. Who has allotted to the United States the care over Trau or any other portion of the Dalmatian coast? By whose orders? By the orders of the peace council? No; because they are engaged in—

Mr. SWANSON. Will the Senator yield to me?

Mr. FALL. I yield.

Mr. SWANSON. I stated that in the statement issued by Secretary Daniels, prior to this discussion on yesterday, he stated that it was the part of the coast that had been assigned for America to patrol. Here is his statement, and I want to read it.

Secretary Daniels's announcement said:

"On September 23 a number of Italians surprised and captured Trau a Dalmatian port in the zone assigned by the supreme council to be policed by the Americans."

Mr. FALL. Just one minute right there. The Senator must understand that the Secretary of the Navy has not answered or referred to the most material question—

Mr. SWANSON. I am not saying that this is an answer. Let me get through reading what the Secretary of the Navy said.

Mr. FALL. The Senator can read it, but it does not touch the question.

Mr. SWANSON. The Secretary's statement continues:

A small landing force from the U. S. S. *Olympia* succeeded in recovering the town and preserving order there without bloodshed. Serbians were persuaded by Admiral Andrews from taking action.

Then the article continues; but this is not any of the interview with the Secretary:

It was said at the Navy Department that Trau was in that section of the Dalmatian coast assigned by the peace conference to the United States for patrol.

Mr. FALL. We understand that.

Mr. SWANSON (reading):

The Italian Government is responsible for the strip of coast line to the northward and the French for that to the south.

The subject of my comment was this: Here was a statement made that we had been assigned to keep peace there. Of course, this was taken from Austria; it was Austrian territory, and a certain part of that line had been assigned to America to patrol and take care of.

Mr. FALL. To whom was that Austrian territory turned over?

Mr. SWANSON. It is waiting to be turned over. As the Senator well said, it is not finally disposed of.

Mr. FALL. No; and it was not turned over to any league of nations.

Mr. SWANSON. From the Senator's own statement, it is not finally disposed of; and, pending disposition of it finally, Italy had a certain part to patrol, the United States a certain part, and, I understand, France a part. A part was assigned to the United States to patrol, and I understand the Italian Government agreed to this; but other parties, representatives of their own Government, undertook to take possession, and the United States was under obligation to patrol it and preserve it under the peace terms. If that is true, I say the Government ought not to be subject to comment or criticism until we get the facts.

Mr. POINDEXTER. Mr. President—

Mr. SWANSON. What I was commenting on was that the senior Senator from Massachusetts [Mr. Lodge], the chairman of the Foreign Relations Committee, before he ascertained what the facts are, should condemn his Government and give the impression that we were engaged in an act of war against Italy. That is what I protest against. I said that the right way to conduct this thing is first to get the facts before you condemn your own Government.

Mr. POINDEXTER. I should like to ask the Senator from Virginia just a brief question.

Mr. FALL. I yield to the Senator from Washington for that purpose.

Mr. POINDEXTER. I was interested in the statement of the Senator from Virginia that he understood a sector of the Adriatic coast had been turned over to the French. Is the Senator from Virginia well informed in that respect?

Mr. SWANSON. I know nothing except what is contained in the dispatches in the papers yesterday and the day before; and I say, before we should condemn our own Government and put it in the attitude of being complicated in the affairs of Europe, we should wait until we get the facts.

Mr. POINDEXTER. We are trying to get the facts now; and I ask the Senator from Virginia whether it is a fact that any of the allied soldiers, except the Americans and Italians, are taking part in the military occupations on the Dalmatian coast?

Mr. SWANSON. The only information I have is what is contained in the press dispatches, that this port was seized by the Italians.

Mr. POINDEXTER. I noticed a short time ago the statement that French soldiers and British soldiers—troops, marines, or others—had been reembarked on their respective ships and had sailed away from the Dalmatian coast.

Mr. SWANSON. The situation, as I understand it from the press dispatches, is that this part of the coast was turned over to the United States to patrol and take care of, pending settlement of its disposition by the peace conference, and pending that determination the Italians rushed in there without authority and seized it. As the United States accepted the obligation of keeping it free from Italy and free from Serbia, our marines were landed to carry out the obligations which the United States assumed, either by the war council or the peace conference, I do not know whom. That is the impression I have from the press dispatches, which I presume are the same that the Senator from Massachusetts and others saw. All I ask is that you get accurate information before you condemn your Government for becoming involved in these complicated foreign affairs.

Mr. FALL. That is what we have been seeking for several months—accurate information.

One of the Senators upon the other side urges that we should vote upon the resolution. We have voted upon resolutions, we have passed resolutions, we have demanded, we have begged, we have prayed, through the Committee on Foreign Relations and otherwise, for information, and the action of the Senate so far upon these propositions has been practically futile.

As a matter of fact, as I understand the situation, the Dalmatian coast and the coast in dispute was turned over by Austria to the victorious Italian Army in their armistice. What Signor Tittoni is objecting to is that the peace council then undertook to write the geography of the world anew, to create new States, instead of going to a peace basis first; that they have not as yet been able to agree upon the question as to whom certain portions of the Dalmatian coast, or the other portions of the Adriatic coast, should go, and in the meantime the supreme war council, created, if for any purpose, to carry on the war with Austria and Hungary, created, if legally at all, through the war powers inherent in the President of the United States merely as the Commander in Chief of the land and naval forces, created presumably by himself as one of the actors, has undertaken, pending the settlement by the peace council, to patrol certain coasts. They are not patrolling them on foot; these marines were not walking the Adriatic Sea. The naval vessels of Great Britain and France and the United States are carrying on a patrol of the Adriatic. For some reason American marines were landed from a naval vessel at the point which is known as Trau, because, apparently, so far as the honorable and learned Secretary of the Navy knows, the Italians were undertaking to drive Serbians out of Trau.

Now, I want to know by what authority the marines of the United States are undertaking to interfere between Serbians and Italians in Trau; and it is answered here that peace does not yet exist and that, therefore, as Commander in Chief of the land and naval forces of the United States, the President of the United States can send the troops and the marines of this country to interfere, without the authority of Congress, in trouble between the Serbians and the Italians, both of whom were allies of this country in the war.

Mr. President, when we were considering the great war powers which Congress vested in the President of the United States I voted for every possible war measure, because I desired that the war should be conducted under legal forms and under the Constitution of the United States as nearly as possible. Therefore I voted to vest in the President of the United States the very maximum of power, so that he might successfully carry on the war in this country as well as in foreign countries; but I stated here upon the floor at that time—and I reiterate it now—that the fact that the United States was at war, and by virtue of the Constitution of the United States, the President automatically became Commander in Chief of the land and naval forces, did not make him a dictator. I know that several Senators upon the other side here in open debate advance the contrary theory. The President of the United States is not a military dictator, and the act of unwarranted interference in foreign countries by the military force of the United States without the authority of Congress is the act of a dictator.

Mr. LODGE. Mr. President, I only desire to say a single word as to the reiterated statement of the Senator from Nebraska [Mr. HITCHCOCK] that there is a filibuster being conducted here. That is an entire mistake; it is completely erroneous. There is no filibuster, and there has been no desire for one. Our desire is to get this treaty through—certainly that is my desire—and to dispose of it just as soon as possible; but, Mr. President, what is overlooked on the other side is that this is rather an important question. A great many Senators on both sides are not voting according to orders, and they wish to discuss this treaty. That is their right. It is the greatest question that ever came before the United States Senate or that probably ever will come before it. There has not been a word spoken here that has not been genuine debate, and debate has come from Senators who feel deeply on this question and who wish to discuss it. I have kept the treaty steadily before the Senate, and I shall continue to do so, so far as I have anything to say about it. There has never been a filibuster, and so far as I am concerned there never will be one; but I do not propose to go on and try—what would be perfectly useless and what would produce a filibuster—to cut Senators off from the legitimate debate to which they are entitled.

Now, Mr. President, one word about the pending resolution. I have not before me a copy of the armistice between Italy and Austria, but, as I recall it, the Dalmatian coast was a part of the territory taken over by Italy in the armistice. We are told that it has been in some way slipped out of the possession of Italy and slipped into the hands of the peace council. I do not know how it has been done, although I have asked for the agreement in order to ascertain the facts. All I know is that our marines have been landed with machine guns to put the Italians out of the town of Trau and to leave the Serbians in control there. Now, I should like to know under what authority, of the treaty or otherwise, that has been done. These nations are both friendly to us; they have both been our allies in the

war. Who ordered this to be done? What commitments have been made? Why have two regiments been sent to Silesia to supervise the plebiscite? Is that another of our commitments?

I submitted a resolution on Friday last making inquiry with regard to the U. S. S. *Henderson* carrying troops to Schleswig-Holstein. The resolution was adopted; but, of course, I have no answer from the department. I find, however, from my own personal inquiry, that the ship sailed on September 12, and that her purpose is to take some of the marines who are already over there and carry them to Denmark to supervise the plebiscite in Schleswig-Holstein. To how many of these activities are we committed, and by whom? Those are the inquiries I should like to see answered. I think it is legitimate and proper that we should have this information, and it would shorten the time to be consumed in debate and advance the treaty if those proper inquiries were allowed to be asked and were then answered.

Mr. POINDEXTER. Mr. President, regardless of who ordered the American marines to Trau, regardless of what the situation of the Allies at the peace conference is at the present time, there are certain generally understood cardinal facts about which I think there is no dispute, and which ought not to be overlooked in the consideration of this question nor in any public record that is made of it. A short time ago the President, on his return from Europe, said, with rather a tone of pride in the fact, that wherever there was any difficult work to be done in Europe which required soldiers to do it the immediate demand of all the Allies was that American soldiers should perform the duty. I presume that the presence of American marines at the danger point in this controversy, which, it is said, is about to precipitate war, and, as the Senator from Nebraska says, may set Europe on fire, comes about as a result of that peculiar sort of a willingness upon the part of the President to accept commitments of this kind and to have disagreeable duties throughout Europe that European nations are unwilling to assume performed by American soldiers.

The fact is, however it came about, whatever the preliminaries were, that, as shown by the statement of Minister Tittoni, which has been read here this morning by the Senator from New Mexico [Mr. FALL], and as shown by the fact that our military forces are actually participating in the controversy, the United States is the principal factor in the determination and the direction of the issue which has brought Italy to the verge of civil war. That fact ought not to be overlooked. Who precipitated this condition? Why is Italy on the verge of civil war? Why is there danger of a new war between the Jugo-Slav State and Italy? Who is responsible for that? That ought not to be overlooked. In my opinion, it is the cardinal, central, significant circumstance in this entire matter that ought to be constantly borne in mind.

This condition of incipient war, of nations being ready to spring at each other's throats, and a great nation, our ally in the German war, being torn by civil strife, with scenes of disorder in its Parliament and its people divided over the question as to the settlement of Fiume, has been brought about, in my judgment—and I think that this is a fact that can be demonstrated if it is disputed—by the attitude that was taken by the American delegation in the peace conference. It has been deliberately produced by our representatives in that conference.

Mr. MOSES rose.

Mr. POINDEXTER. Italy, France, and Great Britain, if left to themselves in the settlement of this peculiar European question, I think, without doubt, would long ago have adjusted it. They would have adjusted it perhaps in accordance with the aspirations of their allies in the war and not in accordance with the demands or the desires or the fancied interests of our enemies in the war. It was the American delegation at the peace conference that prevented the settlement of the Dalmatian boundary dispute, and as a result of that, as a result of the opinions of the American delegation and of the injection of this country, the most remote from the scene of the controversy of all the Allies, into the dispute as an arbiter, as Signor Tittoni designates it, the American delegation is responsible for the present condition. I now yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, my purpose merely was to invoke the charity of the Senator from Washington. He charges that the American peace delegation in Paris "deliberately" brought about this condition of affairs by their malassociation with the Dalmatian question. I invoke his charity and ask him that he withdraw the adverb "deliberately" and use in place the adverb "ignorantly." I beseech the Senator from Washington to have a heart.

Mr. POINDEXTER. Well, Mr. President, it was done willfully as a part of a deliberately chosen policy by our delegation at Paris, wholly without sanction by our people, to set itself up

as the judge and the arbiter of a question which should have been left to Europe to settle; and to ascertain that phase of the matter is really the ultimate purport of the pending resolution, and, I suppose, the motive which prompted its introduction, and indicates the use which the Senate will be called upon to make of the information which comes from it. It involves one of the central principles which the league of nations and the peace treaty are to dispose of. It is a proper subject of inquiry, of debate, and of disposition in the consideration of the peace treaty and of the league of nations.

This participation by American military forces in a purely local controversy on the Adriatic does not involve in any way whatever, as the Senator from Nebraska has undertaken to intimate here, the issues between the Allies and Germany over which this war was fought. It is an entirely new question and an incidental one. It deals with the future and not with the past. It is a question which Italy and France and England are immeasurably better informed about and better fitted to deal with than the United States is; and it is for the Senate to determine, in the disposition of this peace treaty, whether we shall continue the policy of settling with our diplomatic and military forces European disputes of this nature. If the United States has need for military force, it might turn its attention to the condition in Mexico, a bordering nation in which we have a peculiar interest, and peculiar and traditional obligations to perform—obligations which we have already assumed—and settle those, and devote the attention of the Government and the resources of the Nation to performing duties which already rest upon us, instead of searching over the face of the world to find and assume gratuitously obligations which properly rest upon other nations.

Mr. McLEAN. Mr. President, has the pending resolution been disposed of?

The VICE PRESIDENT. No. There was no objection to it an hour and a quarter ago, but nothing has been done yet.

Mr. McLEAN. If it is in order, I move that the Senate proceed to the consideration of Order of Business 190, being House bill 7478.

The VICE PRESIDENT. If there is no objection to this resolution—

Mr. POMERENE. Mr. President, if the House bill is to be taken up, I think there ought to be at least a quorum present.

The VICE PRESIDENT. Let us get this resolution out of the way. There was no objection to it an hour and a quarter ago. If there is no objection, the resolution is agreed to.

BILLS OF EXCHANGE.

Mr. McLEAN. Mr. President, I renew my motion.

Mr. POMERENE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Ohio suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McKellar	Smith, Ariz.
Ball	Gronna	McLean	Smith, Ga.
Beckham	Hale	McNary	Smith, Md.
Borah	Harding	Moses	Smoot
Brandeggee	Harris	New	Sterling
Calder	Harrison	Newberry	Swanson
Capper	Henderson	Nugent	Thomas
Chamberlain	Hitchcock	Overman	Townsend
Colt	Jones, N. Mex.	Page	Trammell
Curtis	Jones, Wash.	Penrose	Underwood
Dial	Kendrick	Phelan	Wadsworth
Dillingham	Kenyon	Phipps	Walsh, Mass.
Edge	Keyes	Poinexter	Walsh, Mont.
Elkins	La Follette	Pomerene	Warren
Fletcher	Lenroot	Ransdell	Watson
France	Lodge	Sheppard	Wolcott
Frelinghuysen	McCormick	Shields	
Gay	McCumber	Simmons	

Mr. McKELLAR. The Senator from Alabama [Mr. BANKHEAD], the Senator from Arkansas [Mr. KIRBY], the Senator from Montana [Mr. MYERS], the Senator from Nevada [Mr. PITTMAN], and the Senator from Arkansas [Mr. ROBINSON] are necessarily detained from the Senate on official business.

The VICE PRESIDENT. Seventy Senators have answered to the roll call. There is a quorum present. The Senator from Connecticut moves that the Senate proceed to the consideration of House bill 7478.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918, which had been reported from the Committee on Banking and Currency, with amendments.

Mr. McLEAN. I ask that the formal reading of the bill be dispensed with and that the committee amendments be considered first.

The VICE PRESIDENT. The Senator from Connecticut asks that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered. Is there any objection?

Mr. GRONNA. Mr. President, this is a very short bill, and I believe it ought to be read. At all events, the bill should be read.

Mr. McLEAN. It will be read for action on the committee amendments.

Mr. SMITH of Georgia. Mr. President, I do not understand that the Senator from North Dakota objects to the bill being read and the committee amendments being considered as we go along with the reading, does he?

Mr. GRONNA. I think I shall insist on the bill being read in full. I think we can dispose of it more quickly by having it read in full.

Mr. SMITH of Georgia. I understood that it was to be read in full, but that as we reached the committee amendments we would dispose of them as we went along. Does the Senator object to that course?

Mr. GRONNA. No; I have no objection to it.

Mr. SMITH of Georgia. I thought not.

The Secretary proceeded to read the bill.

The first amendment was, on page 2, line 16, before the words "per cent," to strike out the numerals "110" and insert the numerals "115," so as to read:

Be it enacted, etc., That section 5200 of the Revised Statutes of the United States as amended by the acts of June 22, 1906, and September 24, 1918, be further amended to read as follows:

"SEC. 5200. The total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed 10 per cent of the amount of the capital stock of such association, actually paid in and unimpaired, and 10 per cent of its unimpaired surplus fund: *Provided, however,* That (1) the discount of bills of exchange drawn in good faith against actually existing values, including drafts and bills of exchange secured by shipping documents conveying or securing title to goods shipped, and including demand obligations when secured by documents covering commodities in actual process of shipment, and also including bankers' acceptances of the kinds described in section 13 of the Federal reserve act, (2) the discount of commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same, (3) the discount of notes secured by shipping documents, warehouse receipts, or other such documents conveying or securing title covering readily marketable non-perishable staples, including live stock, when the actual market value of the property securing the obligation is not at any time less than 115 per cent of the face amount of the notes secured by such documents and when such property is fully covered by insurance, and (4) the discount of any note or notes secured by not less than a like face amount of bonds or notes of the United States issued since April 24, 1917, or certificates of indebtedness of the United States, shall not be considered as money borrowed within the meaning of this section.

The amendment was agreed to.

The next amendments were, on page 2, line 24, after the word "any," to strike out the word "company"; on line 25, after the word "firm," to insert "or company, or the several members thereof"; on page 3, line 9, before the word "corporation," to strike out the word "company" and the comma; and in the same line, after the words "or firm," to insert the words "or company, or the several members thereof"; on line 12, after the word "hereof," to insert the words "except transactions under (1), (2), and (4)"; in line 16, after the words "one person," to strike out the word "company"; and in line 17, to insert the words "or company, or the several members thereof," so as to read:

The total liabilities to any association of any person or of any corporation, or firm, or company, or the several members thereof upon any note or notes purchased or discounted by such association and secured by bonds, notes, or certificates of indebtedness as described in (4) hereof shall not exceed (except to the extent permitted by rules and regulations prescribed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury) 10 per cent of such capital stock and surplus fund of such association and the total liabilities to any association of any person or of any corporation, or firm, or company, or the several members thereof for money borrowed, including the liabilities upon notes secured in the manner described under (3) hereof, except transactions under (1), (2), and (4), shall not at any time exceed 25 per cent of the amount of the association's paid-in and unimpaired capital stock and surplus. The exception made under (3) hereof shall not apply to the notes of any one person, corporation, or firm, or company, or the several members thereof for more than six months in any consecutive 12 months.

The amendments were agreed to.

The Secretary resumed and concluded the reading of the bill, as follows:

SEC. 2. That section 5202 of the Revised Statutes of the United States as amended by section 20, Title I, of the act approved April 5, 1918, be further amended so as to read as follows:

"SEC. 5202. No national banking association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

"First. Notes of circulation.

"Second. Moneys deposited with or collected by the association.

"Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association, or due thereto.

"Fourth. Liabilities to the stockholders of the association for dividends and reserve profits.

"Fifth. Liabilities incurred under the provisions of the Federal reserve act.

"Sixth. Liabilities incurred under the provisions of the War Finance Corporation act.

"Seventh. Liabilities created by the indorsement of accepted bills of exchange payable abroad actually owned by the indorsing bank and discounted at home or abroad."

The PRESIDING OFFICER (Mr. CURTIS in the chair). The bill is as in Committee of the Whole and open to amendment.

Mr. POMERENE. Mr. President, I have two amendments that I desire to offer to the bill. One relates to page 3, line 13. I move to strike out the numerals "25" and to insert in lieu thereof the numerals "20." I will state the other amendment I propose, because I intend to argue the two together. The other amendment which I intend to propose is to insert on page 2, line 23, after the word "section" and the period, a new sentence, as follows:

The total liabilities to any association of any person, or corporation, or firm, or company, or the several members thereof, upon the discount of bills of exchange, drafts, demand obligations, and commercial or business paper, as described in paragraphs 1 and 2 hereof, shall not exceed at any time the paid-in and unimpaired capital stock and surplus of said association.

Mr. President, those are separate amendments and, I take it, will have to be offered separately.

The PRESIDING OFFICER. The first amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. It is proposed, on page 3, line 13, to strike out "25" before the words "per centum," and in lieu thereof to insert "20," so as to read: "and (4) shall not at any time exceed 20 per centum of the amount," and so forth.

Mr. POMERENE. I realize very fully the anxiety which is evident on the part of certain Senators to have this bill go through amending the Federal reserve act in the particulars indicated by the bill which has just been read and to which have been added the committee amendments.

The other day I took the pains to set out specifically the objections. Since that time there has been a meeting of the committee, and Gov. Harding, of the Federal Reserve Board, appeared before the committee with his statement respecting the bill. I say, with all due respect to Gov. Harding and those members of the committee who differ with me, that the evidence given before the committee simply confirms me in my former judgment that the amendments which I am now proposing ought to be adopted.

The Senate, of course, is familiar with the limitations which are placed upon the amount of loans which can be secured by a given borrower under the provisions of the old national banking act and of the Federal reserve act. This general limitation is 10 per cent of the paid-in capital and surplus. That originally was the only limitation, as I now recall, which was placed upon the amount that an individual borrower could get, and I take it the Congress of the United States has at heart the interests of the depositors and stockholders, as well as of the borrowers.

Now, I want to qualify a statement I made a moment ago. Under the national banking act it was provided that the discount of bills of exchange drawn in good faith against actually existing values would not be considered as money borrowed within the contemplation of the act. A canvass of this bill demonstrates that there are now four classes of borrowings which qualify largely the first provision to the effect that the amount that can be borrowed shall be 10 per cent of the capital and surplus.

Passing over paragraphs 1 and 2 for the moment, there has been added a third paragraph, which, in substance, provides for the discount of notes secured by shipping documents, warehouse receipts, or other such documents conveying or securing title, covering readily marketable, nonperishable staples, including live stock, when the actual market value of the property securing the obligation is not at any time less than 115 per cent of the face amount of the notes secured by such documents and when such property is fully covered by insurance. That is entirely new.

Now, it is sought to extend the amount which may be borrowed, over and above the 10 per cent which applies to borrowers generally, to 25 per cent, as is provided for on page 3 of the pending bill, which reads, without reading the whole of it, that "the total amount of liabilities upon notes such as described in paragraph 3 shall not, except transactions under 1, 2, and 4, at any time exceed 25 per cent of the amount of the association's paid-in and unimpaired capital stock and surplus." That means to say that with this collateral in the form of shipping documents on the notes of the borrower, he can secure 25 per cent of the paid-in capital stock and surplus. In paragraph 4, which relates to borrowings upon Government bonds and certifi-

cates of indebtedness, Congress provided that there could be an additional 10 per cent borrowed by one borrower over and above the general limitation of the paid-in capital stock and surplus, and then it authorized the Federal Reserve Board to extend this amount, and some time ago the Federal Reserve Board extended these limitations, so that the only limit placed upon the amount which can be borrowed with bonds as security is \$100 on every \$105 of the face value of the bonds.

Mr. BRANDEGEE. Mr. President—

Mr. POMERENE. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. The hour of 2 o'clock having arrived, at which it is usual to take up the consideration of the treaty, I move that the Senate proceed to the consideration of executive business in open executive session for the purpose of taking up the treaty with Germany.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut.

The motion was agreed to.

Mr. POMERENE. I wish simply to say that in view of the desire to go on with the treaty, I shall not at this time proceed with the argument on the matter under consideration, but will continue it upon this point at a later time.

Mr. BRANDEGEE. I consulted with the chairman of the Committee on Banking and Currency before making the motion to proceed to the consideration of executive business in open executive session, and he agreed that the bill should go over.

Mr. POMERENE. I take no exception to the course taken by the Senator from Connecticut.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. EDGE. Mr. President, I desire to make a few observations on the subject now before the Senate and I promise that I will confine those observations within the brief space of 20 minutes, not that I can cover the important details of the league of nations in 20 minutes, but I think in that time I can make my viewpoint entirely clear.

Mr. President, in the nation-wide discussion of the peace treaty and the covenant of the proposed league of nations I feel that it may be only fair to my constituents, and perhaps to the country and to the Senate and to the President, at this time to clearly define my attitude and my viewpoint.

Above all, the country wants action. To use the vernacular, it wants to know "where it is at." For nearly a year the treaty has occupied the center of the stage exclusive of every other responsibility both at home and abroad. I do not minimize the importance of its careful consideration, but I do urge all possible haste. Business hesitates in the apprehension of uncertainty; the minds of our officials and legislators, which should be turned to constructive legislation, are necessarily engrossed with the treaty and its probable effects; the country is kept in a state of political turmoil and confusion; the people are anxious to know the policies of the Government on many pressing subjects—railroad legislation, for instance; readjustment of unjust and onerous taxation; curtailment of extravagance and wicked waste in Government expenditures; adoption of a national budget system; legislative encouragement of production which must operate to reduce the high cost of living; cultivation of sincerely friendly relations between employer and employee; adequate utilization of the merchant marine; expansion of a good-roads system; rehabilitation of our gallant soldiers, to help them to help themselves; and a score of other imperative questions. Meanwhile, industrial unrest is epidemic in the land; and the Bolsheviks and internationalists still use internecine strife. It is not that I am particularly impressed with the statement that the settlement of peace will settle domestic problems; I do not believe anything of the sort, but the disposition of this covenant will permit this Congress to utilize all its energy and power in the effort to solve domestic problems, encourage increased production, and thus assure national prosperity.

Although a signer of the "round robin," I am in favor of a league of nations; although in favor of a league of nations, I am not in favor of adopting a covenant which does not in plain, specific, unmistakable terms protect to the utmost the freedom and independence of the United States to regulate its own domestic affairs and to say for itself whether or not it should participate in any foreign war. I am in favor of a league of nations, but not at the sacrifice of the sovereignty we are sworn to uphold, and I further contend that in protecting that sovereignty we can contribute fully as much to the world and the welfare of all mankind as we did under the same policy in the time of war. I am in favor of a league of nations, but not the

league that the President has brought home to us with its uncertain and undefined commitments, but a league as it will be with protective reservations adopted.

As I view it, America is willing and should be a world partner in the affairs of the world and contribute its ideals to the uplifting of mankind, but it is not willing to underwrite all the selfish ambitions of European politics. We will back up our moral ideals with our men and money when the principles of democracy are involved, but we insist on being the arbiters of our own Americanism without any question of our honor or destiny being at stake. In other words, while it may sound selfish, the extent that I feel America should participate in a league of nations is to sincerely and earnestly contribute its moral influence, its power, and even its wealth in cooperation with the other nations of the world in an endeavor to preserve peace, but we must absolutely control, without question of honor, the extent to which we will be involved in foreign entanglements which may embroil us in an unjust war.

I do not propose to discuss the subject from the legal or historical viewpoint, but, as briefly as may be possible, from the practical, economic, and business standpoint. In putting it thus bluntly, I do not want to be misunderstood as considering the responsibility from its mere material relation to the country, but so much already has been said on the lines of history, political expediency, moral obligation, future responsibility, and so on, that I feel a few words may not be amiss in dealing with the subject from the angle of its practical present effect on the United States and the prosperity of the United States. Nor would I care to be misunderstood as ignoring the higher phases—the sacrifices of even their lives by our brave soldiers on the field, the sacrifices of those who loved them, and those who went willingly to make the supreme sacrifice it required; the sacrifices of our people who were not called actively into the Great War, and the sacrifices of our Nation. I shall speak as a man of business, but not as a cold-blooded man of business.

I believe that his fellow Senators, the people of his State, and the people of the Nation are entitled to know at this critical moment the exact attitude and sentiments of each individual Senator in regard to the treaty and the covenant if one's mind has been made up. Now, I shall practice what I preach.

As America evaded no responsibility in time of war, neither can she in time of peace. I am convinced that the United States may contribute to the world's tranquillity by entering a league of nations, not alone for the welfare of the world, but likewise for its own advantage. I am insistent that in entering such a league the sovereignty and independence and national and international rights of the United States shall be preserved to the uttermost. I want such sovereignty and independence and rights distinctly and specifically preserved by clear and unmistakable language in any instrument of international co-partnership we may sign. Why is it not entirely proper that we should stipulate the conditions upon which, to a great extent, even with reservations, we alter our time-honored policy of aloofness? I have not the slightest objection to other nations doing likewise if they so elect, and if it does not interfere with our affairs. Any league of nations at the outcome must be somewhat elastic as is the case with any material experiment, to which class this effort surely belongs. I do not propose, if I can help to prevent it, that the United States shall have the voice of a mere minority stockholder in a corporation in which it is to make such a tremendous investment. I do not believe that our boys should be sent into war to preserve the boundary lines of any old or newly created foreign nation simply as a policing proposition. In short, I would not sacrifice one iota of the national freedom of the United States in every conceivable line. I can and will, conscientiously and enthusiastically, vote for any and every reservation designed to protect positively, specifically, and unmistakably the sovereignty of the United States against domination or dictation by the council or assembly of the proposed league of nations, or by any other nation or group of nations, and am entirely willing to concede our neighbors the same privilege. If they do not want us on these terms, their sincerity is certainly open to question.

On the other hand, as I understand the situation, reservations as a part of the resolution of ratification will protect the sovereignty of the United States very probably without reference of the treaty and covenant to the joint peace conference, and for that reason I prefer reservations to textual amendments, which latter apparently would necessitate renewed and possibly prolonged discussion by the conference. I am in entire sympathy with the objects sought by the various amendments already offered, but I prefer the reservation route as the method of accomplishment.

No one can deny the desirability of speed in order that the evolution of world affairs can be settled and reconstruction and

domestic problems which are so pressing be undertaken, and I am convinced textual amendments will mean more delay and offer no greater protection to America's independence and self-control. Therefore I am for reservations. I always have felt, even before becoming a Member of this honorable body, that, while the Constitution charges the Senate with the task and duty of advising and consenting to all treaties, it hardly was intended that the Senate should rewrite a treaty, but that we, as representing the United States, should be principally concerned with positively and emphatically protecting the independence and rights and sovereignty of our own country. It appears to me that we are not in a position to rewrite the present treaty, even in part; we are not in possession of sufficient facts or knowledge of international negotiations; we have only superficial and surface information. Certain features of the treaty appeal to us as offering opportunity, if not demand, for improvement; that is self-evident. I do not doubt for an instant that many sections of the treaty could be greatly improved if we had the necessary information at hand, and perhaps even though we have not. But I repeat that I feel our main responsibility is to protect the destiny of our own country; and if by making reservations we are satisfied that we are protecting America's sovereignty and independence, then I am not greatly concerned as a Senator of the United States with the other details of the treaty, and am content to permit the further responsibility to rest where it belongs and where history will place it. In other words, I believe it would be impossible for this Senate to get very far with the rewriting or even amending of the instrument. For illustration, I agree with much that has been said from the information at hand as to the action in awarding Shantung to Japan, and especially in the way it was done, but yet, on the other hand, if we attempt to change that award and thus decide in Washington an issue between China and Japan, we are doing the very thing that, it seems to me, we should avoid—that is, entering into foreign entanglements and deciding an issue with only a portion of the evidence or facts before us. Therefore in this, as in practically every matter which has been brought to the attention of the Senate through suggested amendment, I feel that we are better serving our country, which is our first and prime responsibility, by making such positive reservations as will assure that our country will not be involved in future controversies, wars, or other entanglements, except as agreed by the people of the United States through action of the United States Congress.

As I have already stated, I am not opposed to the formation of a league of nations, in order that our moral influence in the affairs of the world may be felt, but the United States should have an anchor to windward, so that if conditions are not satisfactory some time in the future we can withdraw without any question being raised of our honor in so doing. In thus acting we evade no responsibility, but refuse to enter into what seems to contemplate a superstate.

The President asserts that no shadow of sovereignty or independence of the United States is even threatened by the present instrument; other persons, equally competent to judge, differ with him. He may be right, or may think he is right; but it is our duty to put into clear, plain, and unmistakable language provisions which are susceptible of different interpretations, as these most emphatically are susceptible, as shown in the bitter discussions of their meanings. I have read in the newspapers intimations that even if we make only reservations the treaty will be withdrawn from the consideration of the Senate; that is not a contingency for the Senate to consider; nor will it be responsible, under the sworn responsibility imposed on it by the Constitution, for any further delay which would arise if such action were taken. We have enough to occupy our minds in striving to protect the United States without worrying about extraneous possibilities.

I share fully the feeling that sentiment and ideals should exert great influence in national and international government relationships, but the extreme of idealism and sentiment is sometimes as impractical and unworkable as the failure to permit inspiration along these lines is harmful. Moreover, do not let us have all the sentiment or idealism on one side of the Atlantic. Ever since the armistice was signed, and even before, I have been confident that promotion of interest between nations in order, if possible, to avert future wars was absolutely the duty of those interested in the making of peace. I never have shared the view frequently expressed that at the successful conclusion of the war the United States could entirely withdraw within its own border and continue as before a practically uninterrupted domestic development without having reciprocal relationship with the other countries of the world. Our economic interests would not permit such action even if we so desired.

Viewing the problem from a selfish angle, we agree that the United States to-day must broaden its activity from an economic and commercial standpoint, and it is necessary from that standpoint that we offer this cooperation in times of peace as we successfully offered it in times of war. How can we, with a merchant marine of which we all speak with pride, isolate America? How can we isolate America and yet expect to carry our products to every corner of the civilized world? How can we isolate America with 2,000,000 American boys returning to its shores with a new world point of view, with broadened ideas, with an interest and knowledge and an ambition helped by foreign contact? How can we isolate America when we consider the modern developments by sea and air and communication with Europe reduced by seaplane and airplane to almost a distance less than that from the Atlantic to the Pacific? I never have felt that America should isolate herself or say to her allies and her foreign friends that we have contributed to help bring about peace, but that now we return alone to our own domestic affairs. It is not fair to our own people or to the world. It is not fair to the era in which we live. Again may I repeat, America evaded no responsibility during the war; America will evade no responsibility in reconstructing, in place of the old order of things, a firm structure which will help maintain the peace achieved at such a sacrifice.

I will go far in the establishment of a league of nations, but I shall ever bear in mind the President's own admonition, uttered in an address to Congress before "visions" and world leadership and "voices in the air" apparently beclouded every other consideration:

There is one choice we can not make; we are incapable of making. We will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated.

I am prepared to accept the covenant controlling the activities and powers of a society of the nations of the world, providing such covenant, in language that can not be questioned, protects the sovereignty and the domestic power and control of our own country and simply in effect pledges us to assist other nations in any manner not contrary to the provisions of our Constitution. No combination of nations can ask the Senate of the United States to leave a doubt as to whether the Constitution is being circumvented or otherwise. It has been said by proponents of the league covenant as written that those questions so much discussed—control of immigration, the tariff, maintenance of the Monroe doctrine, power to declare war, and so forth—are in no way disturbed by the provisions of the covenant as presented to us. If this be true, there can be no valid objection in the least to making this plain. The Senate of the United States, representing 110,000,000 people, should say so in clear, unmistakable language. That is what I stand for. Months ago, even before I had the honor of becoming a Member of this body, in a speech made in New Jersey, I made practically these same assertions. I have not changed my mind since. On the contrary, I am even more firmly convinced that it is the duty of this body to make it clear and unmistakable. Moreover, through not having participated in the peace conference, the Senate probably is in a better position to perfect the covenant than was President Wilson, who, to some extent, was naturally obliged to give and take.

This plan for a league of nations is not a new idea. Through scores on scores of years the plan has been discussed at intervals. Go back over a century in the British state papers and you will find an utterance of great interest on the subject. Even while Mr. Wilson still was a professor at Princeton, before he became president of that great university, President McKinley, in 1901, said:

No nation can longer be indifferent to any other. The period of aloofness is past.

And his great successor, President Theodore Roosevelt, nine years later voiced this view to the Nobel peace prize committee:

It would be a master stroke if those great powers bent on peace would form a league of peace, not only to keep the peace among themselves, but to prevent, by force if necessary, its being broken by others.

Read the platform of the New York Republican State Convention of July, 1918, more than a year ago; you will find in it these words:

We favor the immediate creation by the United States and its allies of a league of nations to establish, from time to time to modify, and to enforce the rules of international law and conduct.

But the purpose of such a league this platform distinctly specified "should be, not to displace patriotism or devotion and loyalty to national ideals and traditions, but rather to give to these new opportunities of expression in cooperation with the other liberty-loving nations of the world." The present proposition is merely a development and expansion of the original idea, proportionate to the development and expansion of the

civilization of the world. The sons of Noah have peopled the earth, and it may be that the time has come to reunite, in a measure, the scattered descendants in a family circle.

Such, Mr. President, are some of the considerations which have convinced my mind and conscience that the United States should, or at least reasonably may, enter a league of nations. But my mind and my conscience both robustly oppose the sacrifice of American independence or of a single safeguard of American tradition and ideals; my mind and conscience adamantly refuse to relinquish one iota of the right of the United States to regulate its own domestic affairs—my mind says such surrenders would prove weakness of my powers of reason; my conscience warns me they would be a moral wrong if not actually a moral crime. So, when we are told by some of the league's proponents that article 10 does not force the United States into war without the consent of Congress, I ask what objection there possibly can be to having this provision made so clear and precise that he who runs may read and that no national or international tribunal shall be required to interpret it in the future or that through its construction our beloved country might be placed in the position of failing to meet its obligations.

As I have said, Mr. President, this covenant, in a way, forms an international copartnership, written in the blood of millions of men. How careful should we be who are asked to invest not only our material resources but also the very lives of our citizens and our national independence and honor! We must remember that as long as this covenant or any other agreement of copartnership is open to argument and multiple interpretations it is unsafe and should not be accepted until everything is made clear beyond dispute, as far as this be possible.

For what we went into the war we all know full well, and the soldiers who fought so bravely knew then and know now. We went into the war for, first, the honor, and second, the safety and preservation of the United States. Are we now to surrender those rights and that honor? Or shall we preserve them intact and unsullied by reasonable reservations to the covenant? For what we did not go into the war we also know full well, and the soldiers who bravely fought our battles know equally well. We did not go into the war to surrender our independence and our rights, and we would be serving no one if we did. Of the thousands of brave Americans who laid down their lives on the field of battle or in the camp or in the hospital not one would have given his little finger in sacrifice if he had thought it meant the loss of our independence or our rights. It was for the honor and independence and rights and safety of the United States that these men fought and that we at home gave gladly of our substance. If we now surrender these to the keeping of foreign nations, our brave boys have, indeed, "died in vain."

"The stage is set, the destiny disclosed," says Mr. Wilson. But, my fellow Senators, I urge you, let us look well to the future, to the protection of our children and our children's children in the independence we have enjoyed, and rather ponder the words of Machiavelli, "For time, driving all things before it, may bring with it evil as well as good."

Mr. FALL obtained the floor.

Mr. HARDING. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	France	La Follette	Ransdell
Beckham	Frelinghuysen	Lenroot	Robinson
Brandegee	Gay	Lodge	Sheppard
Calder	Gronna	McCormick	Smith, Md.
Capper	Hale	McKellar	Smoot
Chamberlain	Harding	McLean	Spencer
Colt	Harris	Moses	Swanson
Culberson	Harrison	Nelson	Townsend
Cummins	Henderson	Newberry	Underwood
Curtis	Hitchcock	Norris	Wadsworth
Dial	Jones, N. Mex.	Nugent	Walsh, Mass.
Dillingham	Kellogg	Overman	Walsh, Mont.
Edge	Kendrick	Page	Watson
Elkins	Kenyon	Penrose	Williams
Fall	Keyes	Phipps	Wolcott
Fernald	Kirby	Pittman	
Fletcher	Knox	Poindexter	

Mr. McKELLAR. The Senator from Arizona [Mr. ASHURST], the Senator from California [Mr. PHELAN], the Senator from Louisiana [Mr. RANSDELL], the Senator from Florida [Mr. TRAMMELL], the Senator from Ohio [Mr. POMERENE], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Colorado [Mr. THOMAS] are detained on official business.

Mr. DIAL. I desire to announce that the senior Senator from South Carolina [Mr. SMITH] is detained from the Senate on account of illness in his family.

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. There is a quorum present.

Mr. PAUL. Mr. President, before discussing the specific provisions of the treaty and the proposed amendments thereto which constitute the pending business before the Senate, I desire to refer shortly to some of the arguments which have been made in this Chamber within the last two or three days as to the constitution of the council and assembly of the league, and as to the results to the United States under certain circumstances, should a matter in which the United States may be interested be referred to the council for consideration and determination. The argument which I shall attempt to present will be for the purpose of clearing a way for a proper consideration and understanding of the distinct propositions which are pending, and which I shall urge upon the Senate.

Several Senators upon the other side a few days since engaged in a discussion of the organization of the council of the league of nations, and also in a discussion of the results which might inure to this country in the event that a matter it was interested in, or had in controversy, if it were with some other nation, were referred to arbitration or to the council, and the decision were to be against the construction placed upon the matter by this country, and the decision should be one with which this country could not agree.

During the discussion, to which I listened with great interest, I thought of a case pending. The United States is now being asked to become a member of the league of nations and a member of the council of the league. One of the countries, and one upon this hemisphere, which has not yet been mentioned in connection with the league or this peace treaty at the peace table in Versailles, in Paris, or elsewhere, is the Republic of Mexico, to the south. Very few people would recall until the matter is mentioned the fact that there has been a controversy pending for many years between the United States upon the one hand and Mexico upon the other concerning a certain disputed piece of territory lying within the boundaries of the State of Texas and within the city limits of one of the most progressive cities within that great State. This disputed strip is known as the Chamizal zone.

Under the treaty of Guadalupe Hidalgo and later under the Gadsden purchase treaty of 1854, we had supposed that we had settled all disputes with our neighbor upon the south which then or thereafter might arise, except such as might be caused by a shifting of the boundary where the Rio Grande formed the boundary line between the two countries. Following these treaties the Congress of the United States provided for the appointment of a boundary commission, the Mexican Government followed the same course, and what was known and is yet known as the Joint Boundary Commission was established, and proceeded to function immediately, and was very active for a great many years, and, in fact, up to 9 or 10 years ago, when the revolution, which is still unsettled, in Mexico broke out. Through the efforts of this boundary commission all disputes of any kind or character due to the shifting of the bed of the Rio Grande were amicably settled. But a few years since some enterprising Yankee went into the State of Texas and the city of El Paso and bought up titles to certain lands lying within the city limits, extending from the city hall and the courthouse in El Paso to the Rio Grande, obtaining a quit-claim deed or other muniments of title for such lands. Suit was initiated in the State courts, and promptly decided against this claimant, who maintained his rights under Mexican titles. The United States had been in political possession of this territory from about the year 1854 down to the present time. The Mexican Government had made no claim whatsoever to any portion of the territory. There was no dispute, in so far as the two Nations were concerned, until the dispute was brought to the attention of this Government through the efforts of the rival real estate claimants, after they or those claiming under the Mexican titles had failed to obtain what they considered their proper redress in the courts; the courts, of course, holding that the settlement of boundaries was a political matter and that the courts would not interfere with the political department.

As I say, there was no dispute between the two countries until the question of rival ownership arose. The parties had been in possession of the lands for a great many years. It had been recognized as a part of the county of El Paso and the State of Texas. The customhouses of the United States are placed upon it. The flag of the United States floats over it night and day. The American ends of the international bridges, of which there were at the time three, rest upon this disputed territory.

That matter is still unadjusted. Now, let us see just what would be the result if the league of nations attempted to func-

tion, and what would be the course to be followed under the different provisions of the league covenant in settlement of this question.

Mexico is not a member of the league and has not been invited to become a member of the league. We will grant, for the sake of argument, now, that the United States is a member and that the league has been formed by the adhesion to the covenant of three of the great powers mentioned, and a procès verbal being filed. Very well. Upon the suggestion of some mutual friend or otherwise, or without the interposition of a mutual friend, but through a suggestion to the assembly or to the council that there is a dispute between the United States and Mexico concerning this territory which might lead to trouble or might affect the peace of the world—and such a suggestion is all that is necessary to confer jurisdiction upon either the assembly or the council—upon such suggestion, or upon the motion of some friend of Mexico, the council immediately takes cognizance of the question for the purpose of inviting Mexico to become temporarily a member of the league for the settlement of the dispute. Mexico, of course, acquiesces in this immediately, and for the purposes of this particular dispute she becomes a member of the league under article 17 of the league provisions.

At once the suggestion is made by Mexico or by her friend, or otherwise, that the question, not of damages for any injury done by the taking over of this territory 50 years ago by the United States, but the actual right to the physical possession of property which has been undisputed until recent years, and then disputed only as I have indicated—the actual physical possession of territory, not only territory of the United States but territory of one of the sovereign States of this Union, the great State of Texas—is involved.

The United States refuses to arbitrate. At once, by virtue of the provisions of the different articles of the covenant, and article 12 in particular, the council automatically takes jurisdiction of the question. The United States having refused to arbitrate this matter and seeking to protect all her rights upon this hemisphere, Mexico being in the league now for the purposes of the settlement of this dispute, America raises the question of the Monroe doctrine, and construes it to mean that other nations, including the league of nations—those represented in the league or out of it—shall not interfere in matters upon this hemisphere. Mexico at once answers that, as to the Monroe doctrine, it is not a regional understanding. We have denied it. It requires more than one party to make an understanding about anything. We have denied that the Monroe doctrine is a regional understanding. The council proceeds to discuss the question as to whether it is a regional understanding, or whether, being a regional understanding, it applies to a question simply of disputed territory between two countries on this hemisphere, and very promptly decides that in any event, whether the Monroe doctrine is in full force and effect or not, it does not apply to the question at issue.

Very well. The decision of the council is unanimous, the United States not voting, nor Mexico voting, and they decide that Mexico is entitled to the Chamizal zone. Now, the United States is and has been in undisputed possession of it—unquestioned possession except as the question arose in the trial of these cases, and then came up to our State Department. The United States has had physical possession. The State of Texas has had her rangers and her police force upon the territory without any question or dispute. The American flag is to-day flying, as it has flown for 50 years, over it. American sovereignty upon it is unquestioned. The decision of the council is against the United States.

What are we to do—acquiesce in the surrender of a portion of the territory of a sovereign State of the Union without the consent of that State or refuse to acquiesce and offer to pay damages, but insist upon retaining our possession? If I know the American people, they will at least adopt the latter course; and if I know the people of the State of Texas, the United States will practically be compelled to do it. Texas would not surrender her territory.

Very well, Mr. President. It is said that under article 11 of the covenant of the league of nations the council can only advise, and can not effectually carry out its advice. The decision of the council has been that Mexico is entitled to the Chamizal zone, and the council, following even the construction placed upon it by some Members of the Senate, advises that the most effectual means for carrying out the decision of the council and averting war is for Mexico to take possession of the Chamizal zone, and Mexico acquiesces in the advice and the orders of the council the United States has refused to recognize. In what position are we? Suppose upon the one hand that our

customs guards, the police force of the State of El Paso, the El Paso rangers, thrown upon the border, refuse to allow a Mexican to put his foot upon that zone if he carries a gun—which they would do, I can say unhesitatingly. No Mexican coming across the line, crossing one of the international bridges, or crossing the bed of the Rio Grande would be allowed to land upon this side with a gun in his hand unless the American soldiers stood protecting him. Texas would never submit to it. Would the people of the United States agree that their soldiers should by force of arms prevent Texas maintaining its jurisdiction over its territory? Would any Senator here vote for the use of the United States forces, or would any Representative in the other branch of Congress vote for such use, to surrender to Mexico this territory, and to coerce the people of the State of Texas, and then go home to his constituents and ask reelection to this or the other body?

But what are the consequences? The Senator from Oklahoma very cheerfully informs us that there are none, that the only effect that this situation would have would be to compel the United States to refrain from ejecting Mexico or protecting her territory by force of arms for three months. And yet there is a distinct provision in article 1 that if by an act of war—not a declaration of war through the Congress of the United States, but by any act which may be construed as an act of war—the people of the United States undertake to defend their territory from what they consider to be an unjust decision of the council, we have declared war upon every nation of the world, whether it belongs to the league or whether it does not so belong. Whether it is a member of the league of nations or not, we agree that under those circumstances, if we defend our territory, even without a declaration of war, or if we allow a State force of rangers, or the police force of the State of Texas, to defend the Texas territory, that we have declared war against all the nations of the earth. We agree beforehand to the consequences. We agree that they may then, without committing an act of war against us at all, not only send their military forces but use all the economic and financial pressure which they can bring to bear and constitute an outlaw of this great Nation of ours.

Mr. President, suppose Mexico does not seek to take armed possession of this territory, but simply sends over her customs officers and raises the Mexican flag. How long would the people of the United States allow that flag to float over that territory? How long would the people of the sovereign State of Texas submit to the customs guards and the police force of the city of Juarez, that great center of civilization upon our border, exercising jurisdiction within the city limits of El Paso, in the sovereign State of Texas, upon the soil of the United States of America? And yet you are powerless. Entering this league will tie your hands and shackle the people of Texas, who came into this Union under a treaty with the United States, reserving to themselves all the soil within their domain. True, Texas was admitted, after the treaty was under discussion, by a joint resolution, admitted as a sovereign State, with the rights not only of a sovereign State but with the right to constitute herself, when in her good judgment she saw fit, into five sovereign States of this Union, with the right of representation here and in the other body corresponding to her population. And yet entering into this proposed league, which you say works for the peace of the world, you not only tie your hands but, as I say, you shackle the people of the State of Texas, and you submit to the extension of the Carranzista civilization over the borders of the United States, to the wiping out of a portion of one of the cleanest, most progressive cities in the southwestern portion of this country. Do you think, Mr. President, that the people of the United States would submit to it? Possibly some of them would. Texas achieved her independence once. I do not speak for her now, but I think she is able to protect very largely the independence which her sons won.

Mr. President, it was insisted upon by a Senator whom we all recognize as an able lawyer, the Senator from Montana [Mr. WALSH], or rather, not so much insisted upon by that Senator as indirectly referred to by him and insisted upon by one of his colleagues sitting near his side, that under article 4 of the proposed covenant of the league of nations Canada, or one of the British colonies, could not become a member of the council of the league of nations without the consent of the United States. Read article 4 of the treaty, and you will see that it provides for the constitution of two characters of councilmen, and the constitution of the council in three different ways. First, there are five members of the council who are the perpetual members of the council—that is, always; Great Britain, France, Italy, the United States, and Japan shall have control of the council as long as the membership of five lasts, or unless the number of councilmen is, as thereafter provided, enlarged.

There is then a provision that other permanent members of the council may be constituted; and how? At the suggestion of the council itself and by the vote of a majority of the assembly. Those are the other permanent members of the council. Then the second class of councilmen, aside from those hereafter to be constituted as permanent members, are the temporary members of the council, whose replacement shall take place whenever the assembly so decide, purely temporary, and in the discretion of the assembly may be changed in one month, two months, three months, five months, one year, five years, or whenever in its discretion the assembly sees fit to change it; and the council has nothing to do with it. The United States on the council has nothing to do with the selection of the temporary members or the other four members of the council. The assembly itself selects them, and selects them in its discretion. There the United States may have a vote, and not elsewhere, and I say to Senators now that the letter that was written by the President of the United States and read into the Senate Record the other day by the Senator from Missouri, a letter signed by the President of the United States, Clemenceau, and Lloyd-George, to Sir William Borden, that Canada might be a member of this council, was signed then and there, when this provision as to the temporary selection of the four councilmen was written into this treaty.

That was the occasion for the signing of that letter. It was discussed then and there, and the understanding was that the four members who are mentioned were to be replaced at the first meeting of the assembly, as is here declared. The four members are to hold their offices at the discretion of the assembly after its first meeting. They are simply to hold until the first meeting, and at the first meeting the assembly itself chooses their successors, and in its discretion. To say that it does it by unanimous vote is to lug something into the treaty which is not written there, a construction different from the contemporaneous construction placed upon it; and hence the President of the United States, Lloyd-George, and Clemenceau signed the assurance in writing to Sir William Borden, which he presented for the purpose of procuring the acquiescence of the Canadian Parliament in the ratification of this treaty. The ratification was opposed until he could assure the Canadian Parliament that they should become a member of the council, and in proof of his assurance he presented to them the letter written and signed by the President of the United States and others at the time. It was given publicity then, published in the Canadian papers during the debates, and the Senator from Missouri [Mr. REED] secured it and read it into the Record. Those are the facts, as I understand them, and I have exhausted every possible means of securing the facts as they were.

Mr. President, the Senator from Montana undertakes to differentiate; he undertakes to make exceptions; he undertakes to exercise his extraordinary faculty of dissection, taking to pieces and putting together an argument. With all his ingenuity bent upon the point at issue, he undertakes to show the difference between the suggestion thrown out by the President of the United States and that advocated or advised by Senators here as to the necessity of going to Germany in the event we make a change in the treaty; and upon this proposition I may now dwell for a moment, Mr. President, with reference to the effect upon the other nations of the world if we, the Senate of the United States, amend this treaty.

In so far as a textual amendment to the treaty is concerned, there is no question in my mind that it should be presented to Germany if we adopt it; and unless it is adopted by Germany, it might not be effective as to the United States. Then we are told that you can not secure from Germany such an amendment, or you must call the peace council together; and yet we heard the argument this morning that not only is the peace council still together considering the disposition of the territory of the earth; not only are they yet in session in Paris, but that behind them, with all the force of the Navy of the United States, and of the joint navies of the world, there stands the supreme war council to compel anything which the peace council may require. You have had an exhibition of it. You have seen the peace council, backed by the law council, compel Germany to change her constitution within the last three weeks, and do it without a question, by the signing of a protocol and filing it at Versailles, because, forsooth, some one claimed that since the constitution of Germany provided that some time hereafter Austrian countries might have representation in the German Reichstag it was a violation of the treaty provisions written here and that she must amend her constitution; and they compelled such amendment. It was not difficult at all.

We are told that you must not adopt an amendment of any kind, Mr. President, because you would have to summon together again the peace council; and yet the very men who are insisting

upon that have reported favorably upon a peace treaty with France, Great Britain, and the United States in absolute violation of the terms of our treaty with Germany. And they have done it without asking Germany's consent. They have asked the Senate to consent to the treaty.

Of course, it provides that it shall become operative in the event Germany violates any of the sections of the treaty ending at section 43. The treaty itself provides that the league of nations shall deal with that proposition, and Germany has signed the treaty with the understanding that the league of nations would deal with the Rhineland and would deal with violations by her of these articles with reference to trespassing upon the Rhineland or trespassing upon other territory. She signed it and ratified it, and it is brought to us for ratification, and while it is pending here, without asking the consent of Germany, we have presented to us a treaty in absolute violation of it and setting it aside; and yet Senators say that we must not amend the treaty, because we must back the great peace council, which is meeting day by day, with Frank Polk representing the President of the United States at Paris and Versailles, backed, as I say, by the Great War council of the allied countries, which goes so far, in violation of the Constitution and laws of the United States, as to direct interference by the military forces of this country with our allies upon foreign territory without a declaration of war. And then you say you fear to change the treaty to protect the people of the United States and our interests, because, forsooth, we may be compelled to demand of Germany that she accept the change.

Mr. President, the argument does not appeal to me from any standpoint. I say now is the only chance, now is the only time that the Senate of the United States will have in which to voice the sentiments of this country, whose representatives we are, and write their protection into the treaty; and therefore I have no patience with the argument, from whatsoever source it may come, that we might be put to a little trouble if we amend it in accordance with what we believe to be the demands of the people and for the protection of our people, simply because we may be compelled to call the peace council together again after it has operated ineffectively for seven months. Such argument does not appeal to me from the standpoint of what I consider to be Americanism, nor does it appeal to me with any greater force from the standpoint of practicality. If it is practicable to compel a change of the constitution of Germany, without the United States calling upon her to do it, but simply through the voice of some self-constituted representative of the people of the United States in that matter, if it is practicable to secure a change of their constitution in that manner, certainly it is practicable, with the use of the naval and land forces of the United States, to secure any other thing which we demand.

You know, and I know, and every one of us knows, that Germany will accept any change which we may write in, and that every other nation of the world will not only accept it but they will welcome the United States into any league, where only the name of league, covenant, council, and assembly are mentioned, if the United States is a member of the assembly or the council, because what they want is no repudiation of foreign debts, what the people of the United States who are behind this treaty want is no repudiation of foreign debts. They are concerned with repudiation to-day, and the effort is made to befool the people of the United States with the cry that, "You must supply the needs of these foreign countries, you must operate through the league in supplying them, and you farmers will be able to dispose of your goods at high prices," and yet the consumers in this country are told by the President of the United States that we need this peace treaty to keep down the high cost of living. The people are approached by representatives of Morgan & Co., on the one hand, claiming that if they will join this league and refinance the world the farmers, the factories, and the workingmen of this country will derive benefit from joining the league, and that in itself because they hold \$50,000,000 of the bonds of the city of Paris and also they hold \$50,000,000 of Russian bonds and other bonds of the world practically. I say to you that I have never been one who has attacked the moneyed interests or vested interests or the business men of this country, but I say now that the business men of this country had best beware. Fasten this league upon the people of the country, and, in my judgment, the struggles will be so tremendous to break away from it within the next two years that we may have trouble here upon our own soil.

Of course we do not want to see the world bankrupt. Of course we do not want to see in France and Italy what we have seen in Russia—repudiation of national debt. Of course we want to see Czechoslovakia and the Slovene country and the other

new nationalities which we are bringing into the world prosperous. Of course we do not want our own investors on this side of the ocean to lose the amounts which they have placed in foreign bonds. Of course we want the farmers and the producers of this country to secure a market for their products. We have an example now, that was discussed here this morning, of exactly how you are going to protect the farmers, the producers, the manufacturers, the people of this country. You are going to do it forever, if you join this league, as you are doing it now, with a joint high war council. That was the first war proposition in connection with article 9 of the treaty, and that is the objection in the French Assembly now, that the Bourgeois amendment was not adopted, and in lieu of that you simply provide that a staff might be appointed as a committee of the council to advise the council. Clemenceau and Bourgeois insisted at that time that a standing army should be under control of that staff for the purpose of carrying out the provisions of the treaty. If you get into this league, you will have your staff exactly as you have your supreme war council to-day, with authority from some unknown source to land our marines on the Adriatic shore or the shores of Dalmatia to interfere with trouble or with disturbance foreign entirely to any of the interests of the people of the United States, a disturbance originating between two of our allies and not concerning any of our enemies.

Mr. President, Senators who make this argument are those whom Hudibras had in mind when he said—

He could distinguish and divide
A hair 'twixt south and southwest side.

And they call this argument for the league!

We are told very unctuously by the President of the United States, as reported in the press, from the platform in California and other States, that this is a league of peace; this a league for the small nations, a league of the small nations, a league for the protection of small nations.

Mr. CURTIS. Mr. President, will it disturb the Senator if I ask him a question?

Mr. FALL. Not at all.

Mr. CURTIS. In the discussion of the question of amendments to the treaty the Senator stated a moment ago that if an amendment were made to the treaty it would have to be submitted to Germany for Germany's ratification.

Mr. FALL. Yes; I think it should be.

Mr. CURTIS. I understood that the Senator in his interview with the President took the position that if an amendment were made to the covenant of the league of nations it would not need confirmation or approval by the German Government, because the German Government is not a party to the league of nations. Do I understand him to occupy the same position now?

Mr. FALL. I entertain the same opinion, of course, and I thank the Senator from Kansas for calling my attention to it, because in hurrying from one subject to another, which I had under consideration before reaching the amendments which are pending before this body, I had intended to refer to that point and had overlooked it.

Mr. President, there are certain nations who, as soon as they ratify the treaty, are ipso facto members of the league. There are certain other nations who have been invited to join the league and several of whom have filed their acquiescence or their agreement in the terms of the league. Those are some of the smaller nations. There are other nations which have not been invited to become members, even, and as to whom we have no moral or legal obligation with reference to what the league should contain, if we should adopt this, at the time they may, if ever, be invited to become members or may make application of their own motion to become members. If Germany hereafter makes application for membership in the league she must make it as Mexico would make it, and the argument with reference to the necessity of presenting a proposed reservation to Germany would be exactly as strong as if the name "Mexico" were substituted in lieu of that of Germany. Mexico can only become a member of the league by making application to become such. She is not a member now and she is not invited to become a member at any time in the future.

It is true that, on the objection of Germany, even Brockdorff-Rantzau, in his letter to Clemenceau, insisted that a time limit should be fixed. First, his insistence was that Germany should be taken immediately into membership of the league and then that a time limit should be fixed when Germany might become a member of the league, and the answer to him was to the effect that Germany must convince the allied and associated powers that she would be good; that in due time, if she was good, if she performed the obligations of the league—the time limit required is 30 years—if she fulfilled the obligations, then she might become a member, but she can only become a member

of the league by application for membership and by the vote of the then members. The objection to an amendment to the league covenant, now adopted or adopted at any time prior to the coming in of Germany, that it must be presented to Germany, has no more force than if the objection were made with reference to Mexico or any other country whatsoever who has not been invited to become a member. The matter answers itself. For the reason that the President did not appear to be clear upon it, I asked him if it were not a fact that we could adopt before Germany came in any amendment to the league covenant that the members of the league chose to adopt, and it was in answer to that question that he said that it had not struck him that way, but that, of course, I was correct.

So that it is a matter of no difference whether the Senate now, in the consideration of the ratification of this instrument, adopts an amendment or whether it adopts it six months after it is ratified in so far as Germany is concerned. When Germany makes her application to enter the league, she makes it as the league covenant then stands and knowing what it is. If she does not like the provisions of the league covenant, she has her recourse and makes no application for membership in the league. Mexico is in exactly the same condition. She was not invited to become a member.

Mr. KNOX. Mr. President—

Mr. FALL. I yield to the Senator from Pennsylvania.

Mr. KNOX. The superficial argument is that Germany, being a party to the treaty, and the league provision being a part of the treaty, the league provisions can not be changed without consulting her; but the obvious answer to that is that the provision of the treaty is divided into two parts, one part of which Germany is interested in and the other part of which Germany is not interested in.

Mr. FALL. Precisely.

Mr. KNOX. If Germany may in the future become interested in the first part and apply for membership, she may apply just as she finds it, and that is the case as to Mexico.

Mr. FALL. Precisely; Germany is exactly in the same condition as Mexico or any other country. Mexico would have the same right to say, "I had representatives over there and I investigated this matter at the time, and if you had invited me I would have come in. I have been waiting for an invitation; I have been waiting for an opportunity to come in. Now, you have changed the league covenant and have violated your good faith with me."

Mr. KNOX. Then the reply is, "You do not have to come in."

Mr. FALL. Yes; the reply is, "Stay out if you do not like it," and, Mr. President, that is what I hope we will do.

But the argument was made, as I have said, during the President's recent tour in California and other places, that the league covenants were for the small nations and by the small nations and that this was a league or a covenant of small nations; of course, having reference to other members. I have a little clipping, I think, showing the President's words:

There were more cheers a moment later when he declared the treaty was founded on the rights of the weak rather than the power of the strong. It was a people's treaty, he said, not a statesman's treaty.

Mr. President, in some way, unknown to myself—as a matter of fact, I can only give a wild guess just how it happened to be sent in; it was done by inadvertence, of course—the Secretary of State, in transmitting certain information to the Foreign Relations Committee, after he had testified before that committee, sandwiched in between two matters which he had been asked to furnish a partial transcript of the proceedings of the conference on the league upon one occasion. I have it here before me. I shall not undertake to read it all, but Senators who are interested in the subject may find from the printed hearings before the committee, on page 295 and the following page or two and the preceding two or three pages, that there was a meeting of the little nations, presided over by the president of the conference, Mr. Clemenceau; and they will find that Mr. Hymans, the representative of Belgium, arose in that meeting and denounced the cut-and-dried program which had been presented to these little nations. They will also find that he was supported in his opposition by Calogeras, of Brazil, by representatives of other small nations, and finally by Sir William Borden, of Canada. The opposition was solely to the effect that the small nations of the earth were not properly recognized; that they had no voice in the formation of the league. Finally, the old "Tiger," of France, stung by the criticism, himself made a speech, and a portion of that I shall read, so that the people of California and others who heard the eloquent expressions of our President to the effect that this was a league of the small nations and for the small nations may understand exactly how it was formed and under what theory it was formed and by whom it was formed. Finally, as I say, stung by the reproaches,

Premier Clemenceau, speaking in French, replied to the observations and suggestions of the delegates in a speech of which the following is a translation:

As nobody else wishes to speak, I shall speak in my turn in order to try to justify the bureau. It requires this, for if it had ever flattered itself that it could satisfy everybody it would by now be thoroughly disillusioned.

Sir Robert Borden—

The Premier of Canada—

has reproached us, though in a very friendly way, for having come to a decision.

The comments of each one of the representatives of these countries were to the effect that somebody had a cut-and-dried program, and that they understood it was a free conference which they were summoned to attend. That was the comment and the opinion of Sir Robert Borden, of Hymans, of Calogeras, and the others, to which Mr. Clemenceau is replying.

Well, we have decided, as regards the commissions, in the same way as we decided to summon the present conference. With your permission, I will remind you that it was we who decided that there should be a conference at Paris, and that the representatives of the countries interested should be summoned to attend it. I make no mystery of it—there is a conference of the great powers going on in the next room. Sir Robert Borden has the less reason to be unaware of it, since he yesterday did us the signal honor of making a statement before us on questions concerning the British colonies.

Now, if you want to get the Canadian note, agreeing that Canada should come in, if you will trace it back to this date, you will find that following that conference the note was written and signed.

The five great powers whose action has to be justified before you today are in a position to justify it. The British prime minister just now reminded me that, on the day when the war ceased, the Allies had 12,000,000 men fighting on various fronts. This entitles them to consideration.

What crime have we committed? We have decided that, for our part—

That is, the five great nations—

we would appoint two delegates each on the commission on the league of nations. I would beg Mr. Hymans and all those who followed him to let me keep to the point.

Objections were still going on in this placid little meeting—

As soon as I indulgently allowed him to wander from it, as soon as the door was opened, everybody rushed in and discussed everything except the subject under discussion. It is my duty to guide the conference in its work in order to obtain a result.

We have, therefore, decided to appoint two delegates each, and then—may I be pardoned for it—we have decided to ask you to appoint five delegates in common.

This is the league of small nations and this was the commission that wrote the league. This was the commission of 15 who were to write the league covenant which we are now considering. The President says it is a league of small nations made for the small nations and by the small nations, who outnumbered the five powers two, three, four to one in this conference, and who numbered about 20 in the conference as against 5; when the great powers appointed 2 members each and gave to the other 18 or 20 nations of the world only 5 representatives. That is the manner in which the small nations of the world wrote the articles which we are now considering in this so-called covenant of the league of nations, which the President tells the people of the United States was made for the small nations and for the protection of the small nations. Old Clemenceau had the courage to tell the truth. He said:

I have heard Mr. Venizelos and many of you say "our voice will not be heard." How can you level such a reproach at us? Your voice will be all the better heard, because we are now arranging a means by which we can listen to each other.

Then he goes on to say, "If you can not get together and agree upon the 5 members we have allowed you out of the 15, we will name them for you; do as you please."

That is the satisfaction the small nations got, according to the record furnished us by the Secretary of State of the United States. It simply throws a little light upon what was going on in this conference, where everything that was said by the President and everyone else was received with acclaim and applause and approval. If you go into it, Mr. President, you will find that they did not have a meeting where there was not opposition and where the voices of the small nations were not smothered by the conference which Clemenceau admitted was going on in the adjoining room, and which was attended by the representatives of the four great powers, Mr. Pichon taking Clemenceau's place, that conference deciding what the little nations should take and what they might have and what they did get.

Mr. KNOX. Mr. President, will the Senator permit me to ask him a question?

Mr. FALL. With pleasure.

Mr. KNOX. Does not the Senator also remember the testimony before the committee—perhaps the Senator was going to refer to it—

Mr. FALL. I am glad to have the Senator call my attention to it, because I might have overlooked it.

Mr. KNOX. I hope the Senator will refer to it—in regard to the little nations wanting to object.

Mr. FALL. I have in mind the statement of Mr. Bullitt as he was testifying before the Foreign Relations Committee, from the documents which he had, and particularly when he was answering questions put to him by the learned Senator from Pennsylvania, when he gave us a picture of the adoption finally of the draft of the league of nations, when all over the hall there was objections, when the delegates from the other nations of the world were upon their feet protesting and objecting; but when the matter was being put through, as you have seen the steam roller operate in a Democratic convention, so all opposition was crushed and not a protest was allowed; not a voice was permitted to be heard, except that of some advocate of this cut-and-dried league made by the four powers in the adjoining room and forced upon the little nations of the world.

Where, now, I ask you, is Veniselos, the great Greek, recognized as one of the foremost statesmen of the world? He was there, and in his self-sacrifice, as the same record will show, and in his desire to maintain peace and harmony and to hold the small nations together, after he had been appointed on this commission, arose and said that he recognized the fact that Belgium had suffered even more than Greece and that he would yield to Belgium that she might have a voice in the league of nations. Where is he? Driven out of your league and your conference. By the action of whom? By the action of the American delegates to the peace conference.

Mr. HITCHCOCK. Mr. President, will the Senator yield?

Mr. FALL. I will.

Mr. HITCHCOCK. What does the Senator mean by Veniselos or Greece being driven out?

Mr. FALL. I mean that he would not and could not, with the support of his countrymen, accept the division of Thrace which the American delegates have insisted upon making. He could not in justice to his country or with the support of his countrymen accept the provision by which they turn over to Bulgaria, the enemy of Greece and the enemy in this war of the United States of America, a portion of Thrace which is Grecian.

Mr. HITCHCOCK. Does the Senator imply that Veniselos or Greece has repudiated the league of nations?

Mr. FALL. Yes, sir; that he has declined to sign it. That is the newspaper report. If the Senator has any other source of information I should like to have it.

Mr. HITCHCOCK. I have, but not on my desk. I have it somewhere in my office or in my desk a statement from Veniselos.

Mr. FALL. Oh, that is an old statement, Mr. President. The Senator can rake up some old statement; but, as I said, Veniselos was so anxious to carry out this peace treaty to assist in doing something to bring about and to maintain the peace of the world that in this very meeting he arose and resigned the position which had been accorded him as a member of this commission and insisted that Belgium should be substituted, because she had been left out, and she had suffered more than any of the other nations present.

Mr. HITCHCOCK. Why does the Senator designate as an old statement the one I am referring to by Veniselos?

Mr. FALL. Because all that I have found that the Senator has produced here yet were out of date. [Laughter in the galleries.] If the Senator has anything new, I will extend my apologies to him.

Mr. HITCHCOCK. Possibly the Senator may not be referring to what I am.

Mr. FALL. Possibly not.

Mr. HITCHCOCK. I am referring to a recent statement made by Veniselos, repudiating and denying the widespread reports that he had turned against the league of nations. He says, on the other hand, that while he has been disappointed in some of the decisions of the council, he is as firmly in support of the league of nations as he has been at any time.

Mr. FALL. Mr. President, it seems to me the Senator does not appreciate what he is doing or what he is talking about. Here is the general proposition for the constitution of a league of nations. The treaty of peace with reference to Thrace and Greece is not specifically embraced in the proposition which is now pending before us. The treaty which I am referring to is the treaty by which we are turning over a portion of Thrace to Bulgaria; and Veniselos has repudiated it, and they have not yet signified their intention of joining this league.

I have here a cablegram, or a copy of one. I can not vouch for its authenticity. It is as authentic as any other information that I have had here or seen produced here.

SEPTEMBER 26, 1919.

NATIONAL HERALD, New York:

Thracian question Friday. Americans have insisted postpone Thracian solution until Congress decides whether accept Constantinople mandate.

Whether you, the Congress of the United States, being led into the ratification of this treaty here, are going to accept the Constantinople mandate, take over Turkey, and send your sons over there to guard the Turkish harems; and a postponement has been insisted upon by the American delegates until you have decided upon your Constantinople mandate under a treaty to which you have not yet agreed.

Greece insisted immediate settlement, but Americans would agree immediate settlement by depriving Greece of whole Thrace except Xanthi Goumouljina districts. Greece regretfully obliged yield before night. Meantime, Thracian question became pure question America against Greece, and situation now completely changed, because Wilson seems decided now deprive Greece from Thrace. Interest regarding Thrace now centered Washington instead Paris. Veniselos probably leaves Paris late next week for visiting London, Manchester, Liverpool, invited by them. Large movement now operating, chiefly by Americans, for preserving territorial unity Turkish Empire. Morgenthau very active, supported by missionaries.

Roberts College! As one of the bright newspapers of this country said a few days since in a short paragraph, Mr. President, Roberts College may not have turned out any very well-known or eloquent ministers of the Gospel, but it has been most successful in turning out politicians.

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. Yes.

Mr. HITCHCOCK. Will the Senator permit me to read the statement of Veniselos, so that I can see whether it is the one which he condemns?

Mr. FALL. Oh, yes; certainly.

Mr. HITCHCOCK. On September 4 there was placed in the RECORD by the Senator from Utah [Mr. KING] the following statement just made by Veniselos:

Premier Veniselos, of Greece, in a letter to the American ambassador at Paris made public to-day by the State Department, denied reports published in America that he had publicly stated his loss of confidence in the league of nations because of the American attitude with regard to Thrace. He asked that President Wilson be advised that he had undergone no change of sentiment with regard to the proposed world society.

After quoting from American press reports as to his attitude, and recalling that "the question went so far even as to occupy the Senate," Premier Veniselos wrote:

"I desire, therefore, in view of the importance attached to the above news, to state categorically that I have not made the above statement, and it really grieves me to know that I could have been thought capable of it."

"Notwithstanding the disappointment I may feel because of the Thracian question—a very vital one for Greece—my views regarding the league of nations—a world-wide structure to which I have also contributed in the measure of my ability—have not and could not change."

Mr. FALL. Mr. President, it may dawn on the Senator some day that there is a treaty now supposed to be in process of negotiation concerning Thrace and Greece, which will have to come before this country possibly at a later day, and that the provisions of that treaty also will possibly come under the operations of this league of nations, if it is ever formed. If the Senator, who has hurried out, will read more of the record which I have just read he will see something of Premier Veniselos's sentiments with reference to the league of nations as it is constituted there.

Why, of course they will accept the league of nations proposition generally, however it may be written, because the five great nations sit in that other room. Greece is bankrupt, and she wants American money to finance her, just as Italy and these other countries are bankrupt, and want American money to finance them. I said to begin with, sir, that they would accept the league of nations. There is not one of them that will not accept it. You can strike out from the first clause of the first article down to the signatures, and just leave there a council and assembly, and nothing as to what they are to do, give them no power whatsoever, leave simply the skeleton of a council, with the United States a member of a world council, and every nation in the world will accept it. There is not one of them that will not accept it. Greece will accept it, of course. Greece will not accept the Thracian settlement—that is, she will not do so without a revolution—just as Italy does not dare to accept the Wilson settlement of Fiume, because she faces a revolution.

My attention is called to the fact that the denial read by the Senator from Nebraska was simply Veniselos's denial that he

had made a public statement, which is true. I caught it as it was read.

Mr. President, there has been very much criticism of the delay in the consideration of this treaty. I say "very much criticism"—there has been natural criticism. Many of the people of the United States, of course, do not understand yet why the Senate has not voted upon some of the provisions, at any rate, contained in the treaty which is under consideration. I am going to refer in a short time to some of the provisions in this treaty which have not yet been referred to, except incidentally, in all the discussion which has gone on concerning it; and I think I shall be able to show in a very few minutes' discussion that the people of the United States do not yet know what this treaty is after all this discussion.

The Senate Committee on Foreign Relations labored—that is, the majority members did; I will acquit the minority members of any labor in connection with the consideration of this treaty—but the majority members of this committee labored as assiduously as any Senators ever did in the consideration of any matter of such supreme importance. As a matter of fact, Mr. President, just take into consideration the fact that upon the organization of this body a railroad bill was under consideration, which has never yet been reported out of the committee. Just consider the enormous number of bills of a domestic character, concerning domestic legislation, which are still being considered by committees of this body, and neither the newspapers nor others are criticizing the delay. They are perfectly satisfied to await the result of the efforts of the committees, based upon such information as they may glean from different sources, recognizing the magnitude of the task with which the committees are confronted. And yet, Mr. President, even in the great matter of supreme importance to the people of the United States, the one great domestic question, the settlement of the distribution problem, as based upon the operation of the transportation system of this country, that great question, as important as it is to the present and the future of this country, is a mere bagatelle in comparison with the consideration of a matter of this supreme importance touching our foreign relations. The matter of railroads, or any other matter of domestic regulation, may be considered and one theory adopted to-day, and, in the wisdom of the Congress of the United States, it may be amended or rejected or repealed and a new system adopted to-morrow.

It is possibly true that the action of this body in initiating legislation upon railroad problems might disturb the business of this country temporarily or for such time as would be necessary to repeal or amend the official action taken by the Congress. But that is a domestic matter. We deal with it as we please. The committee takes a bill and, after consideration, reports it back, or amends it and reports it, or refuses to touch it, as they please. A temporary scar may be made upon the body politic; but the people of the United States know what they want and will settle these matters which they have to settle, and only a temporary scar will be the result, whether the Underwood-Simmons Act is in force or the McKinley Act is upon the statute books. You can repeal one or the other and you can affect temporarily, or somewhat permanently, all of the business interests of the people of the United States. But the people of the United States are doing it, and if they do not want it they can repeal it; they can elect a Congress that will repeal it; but in dealing with foreign relations, Mr. President, we are tying the hands of the people of this country for unnumbered generations, and we are going to become one member of a council of nine who will have our foreign relations in its possession, until the people of the United States at the polls elect a Congress that will denounce it and constitute an army who will stand back of that Congress and enforce the denunciation.

You can not make a mistake either of commission or omission with reference to the foreign relations of a country without the possibility of constituting a scar which will never be eradicated from the political system of that Government. You can not commit an act of omission or of commission which may not tear one of the members of your corporate body from the others. When you are dealing with foreign relations you are dealing with other countries; you are surrendering your sovereignty to a certain extent even in an ordinary treaty. When you are dealing with this character of treaty, when you are constituting yourself only one of a number who have jurisdiction over your foreign relations you are placing yourself and the unborn generations of the United States in the hands of foreigners. And you can not expect that they will break the shackles which you have placed upon their hands.

The Austrian treaty is intertwined with this treaty; the Polish treaty is intertwined with it; the present French and English treaties are intertwined with it, or, as the President says, are linked with it, and I ask you if the Foreign Relations Committee

has had an opportunity or time to investigate either of those treaties? They did not, because the minority members of the committee were sitting there with their mouths closed, so far as any argument upon any proposition was concerned, and voting "No" whenever a proposition was made to require evidence from any source or to hold a hearing which might cast light upon the problems involved in this treaty; threatening the majority members with the hostile majority in this body that the treaty would be taken from the hands of the Foreign Relations Committee unless we hurried to some decision and placed the treaty before the Senate. And so, Mr. President, I for one voted to take it out. I would have accepted the challenge without hesitation and reported the treaty back without recommendations and let the Senate sweat with it and let the ignorance existing among those supporting the administration be displayed even more clearly than it has been shown here upon the floor to-day. What information they have they have been compelled to accept as it was brought out by the majority Members of the Senate, and they have not assimilated that.

Mr. President, I am somewhat wearied, but I shall proceed to another phase of this matter, as I suggested a few moments ago, and in the discussion which I shall now engage in for a short time I am going to call attention to one article of this treaty, or a part of it, which has only incidentally been referred to in any debate or anywhere and upon which no hearing has been had or could be had. This so-called peace treaty, Mr. President, is like all Gaul, divided into three parts; and I might say that it has been prepared by a Caesar, as the former Caesar assisted in dividing Gaul.

The first portion of the treaty has been under full discussion; that is, the so-called covenant of the league of nations. When it first made its appearance before us, when the President cheerfully crossed the ocean and summoned the Foreign Relations Committee to meet him at the White House and presented them with the draft of the new covenant of the league of nations, he called it then the "constitution" of the league. After he returned and the second draft was sent over he had changed its name, and it was known as the "covenant" of the league. And well might the change be made, because if it still bore the designation of "constitution" of the league, which it is, Mr. President, some of the constitutional rules and decisions of the Supreme Court of the United States would be more readily invoked, or when invoked would be more apparent for the consideration even of the layman; and very well might it have been and was that the name even of the child was changed as it neared maturity, and is now known as the "covenant" rather than the "constitution." Mr. President, I could hear old Daniel Webster and Henry Clay and the fathers of this country, expounders of the Constitution of the United States, take this matter and dissect it, if it still bore the name of "constitution," and what they said, which has been written down in history for the guidance, we supposed, of the Americans of all future generations, would be so applicable to it, had it yet borne the name of the "constitution," Mr. President, that even a layman, as I say, would have been compelled to halt when reading their discussions, so apropos were they to the provisions of this covenant.

But suffice it to say, Mr. President, that the covenant of the league of nations is intended to and does constitute another body, with power to interfere in one way or another with all the foreign relations of the United States of America, with everything touching the external relations or interests, commerce, invention, transportation, treaties, acts of Congress, even, which might be construed as in one way or another affecting treaties, all within the jurisdiction of this league of nations as affecting the foreign relations of this country. You are, then, asked to surrender our sovereignty and to delegate the power which the people of the United States have placed in the hands of the Senate to a foreign body with reference to the management of the foreign relations of this country.

Very well, Mr. President. But later on in this treaty, and properly following the league of nations provision, had it not been for the attempt, as it is, insidiously to place between these two instruments, because they are separate instruments, certain rules and regulations and geographical lines—had it not been for the insidious attempt to place the main body of the treaty between the two articles, the one to which I have referred and the one to which I will now refer, part 13, it would at one glance be perfectly apparent to Senators and to the people of the United States that upon the one hand, having entered the league of nations under article 1 and delegated to foreign powers the management of your foreign affairs, or interference with your foreign affairs, you are now, by part 13, asked to delegate to a foreign body the management of all your domestic affairs. There is no limitation whatsoever upon the authority

of what is here designated as the "labor council;" there is no limitation whatsoever upon their authority to deal with any question of domestic concern.

Through the provisions of part 13, Mr. President, a council within a council or a league within a league is provided for, which is to meet and consider any questions which might, by any stretch of the imagination, touch any domestic question arising in any of the countries of the world, because the labor problem enters into every domestic problem—transportation, railroads, Government ownership, telegraphic lines, telephone lines, factories, manufacturing, agriculture—every possible phase of domestic life is touched, and touched more or less seriously, by the labor question. I am not one of those who oppose union labor. I said here, I think, two years ago that in my judgment it might be best for all the labor of this entire country to be unionized and to be allowed to deal collectively and to be dealt with collectively. But, Mr. President, the people of the United States have elected a Congress of the United States to deal with their domestic questions, and labor takes part in every one of those elections. Labor so far as unionized has not gone into politics, and the leaders of labor in this country, in my judgment, have pursued a very shrewd course in not going into politics themselves. Their methods have been much more effective by simply endorsing one candidate or another of the one party or the other as that candidate might more nearly represent what the labor men of his district desire.

With no opposition to union labor in this country, except as some of the employers insist upon an open shop, with no opposition anywhere, I have thought that it would be best for the other people of the country, the consumers and those who did not belong to the masses of organized labor, or of unorganized labor, if labor were generally organized in this country, and, possibly, better if it went into politics, because, Mr. President, elect Samuel Gompers to the Senate of the United States and he would be under oath to perform his duty to the people of the United States under the Constitution of the United States; and if I know him, he would do it. Place the responsibility upon him which we have here and he, and the other labor men—because the leaders are generally good Americans—will perform the duty which they have sworn to perform if they come here as Members of this body. I have no fear, then, of labor, organized or unorganized, in politics or out of it.

But, Mr. President, let me say to you what the provision with reference to this labor council does, first, to the laboring man of the United States. A few years ago the Congress of the United States adopted an amendment, offered by the Senator from Iowa [Mr. CUMMINS], declaring unequivocally as the opinion, as the voice, as the determination of the Congress of the United States, and therefore of the United States itself, that labor was not a commodity.

Now, take the labor articles in article 13, and see the declaration of principles there. The man who is responsible for that cut the heart out of the labor constitution which the Congress of the United States had written for the labor of this country. They adopted the provision that "labor is not merely a commodity." Ask any laboring man to go to his dictionary, if he has any doubt on the subject as to what "merely" means; ask him to go and look in his dictionary, and he does not have to secure a labor dictionary, to know that the heart is cut out of the constitution of American labor in the very first provision or declaration with reference to labor contained in part 13.

Mr. President, American labor needs no assistance from the other labor of the world. It is the most efficient labor known throughout the world to-day, and we all recognize, of course, the fact that it is due to the efficiency of American labor that America to-day occupies the position she does among the other nations of the world, due to the fact that we are a country of unlimited natural resources and that we had the most efficient labor in the world to develop them. We ask nothing of any other labor.

Among the provisions with reference to the power or the authority of the labor assembly when it is called and considers a question such as, we will say, for instance, immigration or naturalization or tariff or transportation or wages or hours of labor, or any other subject whatsoever, it is true that there is a provision that when that assembly shall have adopted a recommendation upon the one hand, or written a draft convention upon the other, and any nation rejects the proposition, that it shall not become operative as to such nation. Having adopted them, that nation submits itself to the coercion of the foreign nations of the earth, who can compel the carrying out of the plan which may have been submitted. I should like to ask the laboring men of this country where they are going to be on the immigration proposition. I should like to hear from them on that proposition. Many of them, and I believe a majority of

organized labor of the country, for several years have been requesting the Congress of the United States to limit immigration, to restrict immigration in this country. As yet Congress has not done it.

A convention was called to be held in Washington in October, next month, to pass upon certain questions, though I notice in the last few days that the date of the convention has been postponed. It is true that in the agenda of the first meeting the provision of immigration is not to be considered. There is nothing, however, to limit the consideration of the convention or the operation of the convention upon the subjects provided in the agenda, so the question of immigration might be considered if it were brought up at the first meeting.

Now, unless beforehand the Congress of the United States shall have passed a law restricting immigration in accordance with the desires of many of its citizens, of whom I will say I am one—unless prior to action by the international labor congress the United States shall have passed a law affecting immigration, and the international labor congress that deals with the subject—and all the other nations of the world want unrestricted immigration in the United States as well as elsewhere—if they adopt a program to that effect and it is not affirmatively rejected by the Congress of the United States, it becomes fastened upon this country forever, and there is no means by which we could ever, through congressional action or otherwise than by a denunciation of the treaty itself, get rid of the provision thus fastened upon us. The same argument applies to the tariff and every other possible matter of consideration. Once having adopted it or acquiesced in the principle of it, we are bound forever. That is another reason why I oppose the proposition.

Above and beyond and over that, Mr. President, is the fact that under the constitution as it is written the matter of the delegates to this conference is not American. First, how many delegates will Great Britain have? The matter has been referred to and discussed at some length here in the discussion of the amendment offered by the Senator from California [Mr. JOHNSON]. In the league of nations assembly Great Britain has six and the United States has one. In the labor council Great Britain has 24 and the United States 4.

Again, in the constitution, in the matter of the selection of the delegates from each country, where they are four in number the Government itself selects two, and then from organized labor, not labor in general but from organized labor, they name one, and from the organized employers—the Manufacturers' Association of the United States, I suppose, the greatest organization of employers—the United States is compelled to accept the fourth. Then when they vote, instead of voting for the United States of America, they vote each man for himself, as he pleases.

In the discussion of this very important matter in Paris, opposed as it was by the various delegates from other countries, another matter was suggested, and that is the heart of the situation as I see it. It was suggested by a resolution offered by the French and the Italian delegates that agriculture should not be overlooked if there were to be a classification of the delegates to the labor conference; that agriculture itself, the greatest industry of the world and the industry upon which the laboring man of all classes and the employer of all classes and the consumer, of course, is sooner or later dependent—agriculture, the great interest of the world—should be represented if there was to be a distinction among the delegates. That proposition was rejected upon the theory that the two government delegates would represent agriculture. The two government delegates appointed by the power elected by the people of the United States—the labor organizations, union men, and those not belonging to any organizations—could represent agriculture, but they could not represent the employer upon the one hand nor union labor upon the other.

Mr. President, I know that some of the more prominent labor men, leaders of organized labor in the United States of America, are opposed to this proposition as it is submitted, and I am satisfied in my mind that when organized labor or unorganized labor in this country understands that this is an un-American proposition absolutely they will reject the entire proposition for this reason if for no other, if there were not these specific objections, to which I have called attention briefly. The American laboring man is an American, Mr. President, unless he is a foreign striker.

Mr. President, sandwiched in between the world organization for the regulation of all the external relations of the United States, upon the one hand, in article 1 and part 13 of the treaty, which provides for the organization of a body with absolute power to control every domestic policy of the United States, upon the other, comes the body of the treaty with Ger-

many. In the first speech that I made upon this subject in the Senate I called attention, as have others, to the absurdity of many of the provisions of the so-called peace treaty. That the Senate should be called upon, among other things, to give a moral guaranty that they will see that Germany returns to somebody in South America the skull of some old nigger; that the Senate of the United States should by signing this treaty incur a moral obligation on the part of the people of the United States to compel the performance of such an agreement is an absolute absurdity and can be classed as nothing else. Attention has been called to many similar absurdities, and I am not going into them at this time.

The articles of the covenant of the league of nations, to reiterate, provide for the handling of the foreign affairs of this country hereafter—not only of this country but of the world—and obligate us in the future to enter into every possible dispute, such as the question now confronting us with reference to Trau and the other questions pending on the Adriatic and Dalmatia, including Fiume and that in the interior. All over the Balkan Peninsula, down into the deserts of Persia and Egypt, from one corner of the globe to the other, we are to be dragged forever until we denounce the treaty; we are to be dragged into all the possible troubles between the King of Hedjaz and those who supported him for a while, but who now want the American Government to set up for them a separate government somewhere between Medina and Mecca. This is for the future that we are to be obligated under the league of nations. Meantime the President undertook a short time since to differentiate between a moral and a legal obligation in the discussion of the treaty. My head began to swim at that time, but I have never yet been able to so fix my equilibrium that, in dealing with foreign relations or with my duty under my oath to my country, I can differentiate between a legal and a moral obligation. Other people have a clearer vision.

In the body of the proposed treaty they proceed first to regulate the geographical lines of Germany, Belgium, Poland, the free city of Danzig, and so forth, and so forth, and so forth, ad infinitum. Being obligated, if we agree to the covenant of the league, to engage in the future in all disputes, if we agree to become members of the commissions which are to arrange boundary lines and pass upon plebiscites and use their discretion as to which country they will hereafter, at some time in the future, deliver over thousands of people and hundreds of square miles of territory—should we agree without qualification to enter into all these matters, then our trouble commences from the very day we sign the treaty.

Of course, it may be said, Mr. President, that we are already engaged in this work. We are, but not by the advice nor the consent of the Senate of the United States. We are told that there have been American commissioners appointed upon some of the commissions provided for in the treaty. We are told by the public press, which is our usual and fruitful source of information, that a reparation commissioner was appointed a few days since; that Mr. Rathbone, I believe, an Assistant Secretary of the Treasury, had been appointed by the President of the United States as a member of the reparation commission, and was proceeding to London and would begin the performance of his duties.

Mr. President, I asked the President of the United States two or three questions concerning certain commissions which were provided for in the treaty, and I have here his answers. I wish to call attention to some of them.

15. Was it or is it now contemplated that, of the commission composed of five members to be chosen by the council of the league of nations for the government of the Saar Basin, one of said commission to be a citizen of France—

That is provided in the treaty—

one a native of the Saar Basin and not a native of France—

The second commissioner provided for—

and the three other members belonging to three countries other than France or Germany, there should be one American commissioner among the membership of five; and if so, why is it necessary that America should be represented upon this commission?

This is one of the questions I asked. It does not apply to the first amendment which, on my suggestion, the committee has reported to the treaty; but I wanted an answer from the President, of course, or I would not have asked the question. I wanted to see along what lines his mind was running with reference to this commission, if he had given any attention to it at all. His answer is that:

15. No mention was made in connection with the settlement of the Saar Basin of the service of an American member of the commission of five to be set up there.

No mention was made of it whatever. Therefore, in so far as we know from the President of the United States, there will be no American member of the commission or there need not be

any; there is no particular reason for one, because it was not mentioned; and yet of all the important commissions provided for in the treaty the Saar Basin commission is the first, or, at least, the second. It may be said that the more important is the reparation commission; but in so far as the performance of the particular duties imposed upon the league of nations or by the peace treaty with reference to the reparation to France herself and the repayment to Italy in the matter of coal particularly are concerned, it is the most important commission provided for in the treaty. If the reparation commission is first, then, of all the numerous commissions provided for—30 or 40 or 50 in number, followed by innumerable commissions in each of the other treaties—certainly the Saar Basin commission is second in importance; and yet the question of the appointment of a disinterested American was not even considered! Three commissioners were to be appointed by the council of the league of nations, but the discussion of the appointment of a disinterested American was never even suggested.

Now, let us see about the others. My next question was:

16. Why should the United States be represented by one member of the commission for the settling of the new frontier lines of Belgium and Germany under articles under sections 34 and 35?

If there is such a thing as an unimportant commission, that is an entirely unimportant commission, in my mind, except in so far as we ourselves take part in it, and agree upon this line, and are morally obligated to enforce the decision of the commission.

The President's answer to my question was:

16. It was deemed wise that the United States should be represented by one member of the commission for settling the new frontier lines of Belgium and Germany because of the universal opinion that America's representative would add to the commission a useful element of entirely disinterested judgment.

In at least the second most important commission, which is to have absolute governing power over a whole people for 15 or more years, the question of the appointment of an American was not even suggested; but in the matter of the appointment of an entirely unimportant commission, simply to settle within 15 or 20 days, I think—within a few weeks, at any rate, after the ratification of this treaty—to settle within that short period of time the boundary line for a short distance between Belgium and Germany, it was necessary to put a representative of the United States on that commission, because the United States was a disinterested country. Comment is unnecessary. The mere repetition of the question and answer, it seems to me, followed by the next question, is all the comment that is necessary.

My next question to the President was:

17. As article 48 of the treaty provides for a boundary commission for the Saar Basin, to be composed of five members, one to be appointed directly by France and one directly by Germany, why was it not provided that the other three be nationals of other powers?

This is another commission for the Saar Basin—

Should each be named in the article to be appointed by some particular country, as is done with reference to the other two, rather than to leave the selection of such three to the council of the league of nations with the restrictive provisions that the said three should be selected from nationals of other powers than France and Germany?

The President's answer was:

17. The choice of the commission for the Saar Basin was left to the council of the league of nations, because the Saar Basin is for 15 years to be directly under the care and direction of the league of nations.

The personnel of the commission which is the governing body for 15 years was not discussed; but it was necessary to provide that the league of nations should name the commission to determine the boundaries because of the fact that the governing commission, whose personnel was not considered at all, should be under the league of nations for a period of years.

The eighteenth question was as follows:

SETTLEMENT OF BOUNDARY DISPUTES.

18. Why was it necessary to provide in article 83 that of the commission of seven members to fix the boundaries between Poland and the Czechoslovak State, one should be named by Poland, one by such Czechoslovak State, and the other five named by the five allied and associated powers, rather than that certain countries, specifically named, should nominate the five as well as the two?

To that the President answered:

18. Article 83 does, in effect, provide that five of the members of the commission of seven to fix the boundaries between Poland and Czechoslovakia should be nominated by certain countries, because there are five principal allied and associated powers, and the nomination of five representatives by those powers necessarily means the nomination of one representative by each of those powers.

Mr. President, if the President knew the purpose and intent in the appointment of these commissions, and if anyone desires to ascertain that information, I will say frankly that he can not acquire it from the answers of the President. He is completely at sea about it. It was an entirely unimportant matter, and yet, if his definition of a moral obligation has any weight,

when we go on this commission we have incurred a moral obligation.

Mr. President, who names these commissions?

Mr. MOSES. Mr. President—

Mr. FALL. I yield.

Mr. MOSES. Before the Senator leaves the matter which he is so interestingly discussing I should like to call his attention to a fact which of course he must have noticed in his study of the treaty, namely, that the settlement of international boundaries, like the settlement of line-fence disputes, generally suits neither party to the controversy, and the umpire or the judge or the referee generally falls into disrepute with both disputants. Accordingly, the treaty has running through it a constant thread of purpose on the part of the European powers to put the United States in the position of referee in these line-fence disputes between the new nations, so that it will be we and not the powers of Europe who will bear the odium of whatever decision is made, and we correspondingly will suffer by reason of those decisions in our trade relations with both parties to the dispute, whereas in the case of the Saar Valley, where the discerning French know exactly what they intend to do, they can get along very well without us.

Mr. FALL. Mr. President, there has been no anxiety displayed upon the part of the other nations of the world to see that we have any of the trade which is referred to from time to time. In my judgment, the sole purpose of having the United States tied on any of these commissions is to impose upon us the moral obligation to enforce certain geographical lines, to assume certain obligations, to see that the people within certain geographical lines are not allowed to get out of them, and that there is no repudiation of the present indebtedness of such countries. That, in my judgment, is the prime purpose and the sole purpose of those who have written certain clauses in this treaty. I acquit the President of the United States of any such purpose, because I do not think he knows what the clauses mean at all; nor is anyone else able to tell me why it is that in the case of one commission the members should be appointed by the five principal allied and associated powers, in the case of another commission by the council of the league of nations, and in the case of another commission its members should be mentioned in the treaty itself.

Mr. President, I do not care to discuss the majority of the amendments, something like 30 in number. They are simply directed to the elimination of the words "and associated" where they occur in connection with the appointment by the principal allied and associated powers of the members of commissions. The motion as adopted by the committee and reported to the Senate is to strike out the words "and associated," which will eliminate the United States. It will leave the other principal powers free to appoint their own commissions and leave the United States out of it. I for one do not desire to underwrite foreign indebtedness nor to become responsible hereafter for the geographical division of Europe, Asia, and Africa. It strikes me, Mr. President, that when we get through dealing with the racial question here in the United States, and other questions of like importance, such as the great labor problems which are confronting us now, we may well sublet the job of looking after the labor of the world or delegating forever to foreign powers or foreign representatives the management of the Army and Navy of the United States.

Why, Mr. President, is not the discussion which went on here this morning with reference to the landing of the troops at Trau absolutely convincing to any Senator here as to exactly what will happen if this league of nations is formed? If your high council, or whatever you choose to call it, now sitting in Paris, can order the troops of the United States to Trau or elsewhere to take part in a difficulty with which we have nothing to do, except under the orders of some one else, what in the name of all that is holy will the league of nations do to us hereafter? And yet we are met with the assertion—not argument, but the assertion—that the league of nations has no power!

Who conferred the power upon the board which ordered the marines to Trau? Who conferred the power upon anyone whomsoever to order the soldiers of the United States to Siberia and maintain them there? And yet we are confronted by the so-called argument that if we go into this league and delegate our powers to declare war, still that is an absurdity, that we do not delegate anything, that all those powers still remain in our hands; and because we are at war with one nation they maintain, upon the other hand, that the Constitution of the United States is absolutely suspended, and that the President of the United States is a greater dictator with more power than was ever assumed even by Peter the Great of Russia or by William of Germany!

Mr. President, as I have said, I do not care to go into a full discussion of each of these amendments. I have explained shortly the purpose of them. It is simply and solely my purpose, as far as possible, to eliminate the United States from any participation in or any moral obligation to the present difficulties in Europe, to get our soldiers home, to get our ships back to our shores, and to attend to our own business for a while. This is the purpose. Of course I shall discuss at some length upon another occasion the amendment with reference to the reparation commission.

Now, I shall only say that by this amendment it is sought to provide not that the United States shall not have a representative upon the commission—and in the last speech that the Senator from Nebraska made, he wasted a good deal of his time in telling us what horrible things would happen to us if my amendment should be adopted, and we were not represented on the reparation commission. There is no such amendment pending at all. The amendment is simply to provide that the American representative upon the reparation commission shall not vote upon any question whatsoever except the matter of the disposition of the German shipping unless he is directly instructed by his Government to cast his vote. He sits there at all times, but votes upon no other question affecting the other countries of the world or affecting our country unless he is directed in that particular matter as to how to cast his vote. This is simply following one of the provisions of the treaty as written, which is to the effect that in the event it becomes a question of scaling an indebtedness now or hereafter agreed to be paid by Germany, the American representative shall not vote upon it until he has had instructions from his country. This is simply to provide that he shall have similar instructions before he casts his vote in any other matter. Why? Because the Germans in their protest—and I will say now that it might be very well for some Senators to inform themselves as to what took place and what is taking place. If they had read some of the German literature presented before the peace council—and I have no reference to anything coming from Germany from any other source except the official documents which were presented to the peace commission in Von Brockdorff-Rantzau's counter proposition submitted to Clemenceau, and to which Clemenceau and the Allies agreed in part—it might be very instructive. I do not know that anything would be; but it would be interesting, possibly, at any rate, if some one could be induced to consider and to discuss some of the very propositions which were brought up between Germany and the Allies in the discussion of the final draft of the treaty.

Mr. President, one of the matters referred to by Von Brockdorff-Rantzau was this, that your reparation commission has more authority and more power than was ever wielded by the Kaiser, by the Reichstag, by the State, by the Empire, or by all combined. It has power to levy war, power to levy taxation, power to fix indebtedness, power to go into the homes of the people of the district, power to fix tariffs, power to interfere in the daily affairs of Germany. Such power, Mr. President, was never vested in any commission or any emperor or any autocrat. Why, even Carranza by decree does not attempt to usurp such power.

Mr. President, this is the commission upon which it is proposed that the United States shall have a member for 30 years! We guarantee to back up that commission with an army; and we not only are to furnish American troops to protect the commission and to enforce its commands, but the commission itself is given the power to recruit military forces. I am not speaking for Germany; I am speaking for Americanism, and the people of the United States of America. When they understand that these commissions provide for matters of this kind, and obligate the United States to the performance of duties of this kind, the people of the United States of America will elect a Congress that will reject the treaty if this Congress approves and ratifies it.

I give notice now that during the consideration of this treaty I shall offer an amendment to strike out Part XIII; that I shall also move to strike out of articles 118 and 119 the words "and Associated Powers"; and I shall refuse, in so far as I am concerned, to allow the United States to take a mandate under article 119, when the President of the United States has already agreed to the division of the mandate countries. I shall refuse to become a party to a farce, sir, by which it is solemnly proposed that we shall enter now into an agreement for the governing of the South African colonies of Damaraland, German Southwest Africa, Togoland, Nigeria, and the Kamerun, when to-day the British flag is flying over the German Southwest colonies, and the French flag, by agreement with Great Britain, is flying over the Kamerun and Togoland, already divided.

Mr. THOMAS. Mr. President—
The PRESIDING OFFICER (Mr. NEWBERRY in the chair).
Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. FALL. I yield.

Mr. THOMAS. Did I understand the Senator to say that an agreement regarding the German colonies had been made between Great Britain and France, or some of the other powers, and the President?

Mr. FALL. I call the attention of the Senator to Leslie's Weekly of August 16, 1919, with photographs:

Down comes the German flag; up goes the French.

Referring to Togoland and the Kamerun.

Mr. THOMAS. I can understand, of course, the hauling down of the German flag and the substitution of some other flag; but the statement that it was done by agreement with the President of the United States was somewhat astonishing to me.

Mr. FALL. Just a moment, Mr. President. I have the evidence here.

Mr. THOMAS. I never heard the statement made before.

Mr. FALL. If the Senator will bear with me just a moment, I think I can furnish him with the answer.

Question 13, which I asked the President of the United States to answer, was as follows:

Has there as yet been any agreement, tentative or otherwise, as to the disposition or the government of such overseas possessions—

That is, the German South African colonies, as the preceding questions will show—

or any part of same to which the United States is a party?

Answer. There has been a provisional agreement as to the disposition of these overseas possessions, whose confirmation and execution is dependent upon the approval of the league of nations, and the United States is a party to that provisional agreement.

The provisional agreement which I referred to was the one referred to here, and upon which I had information—that is, that France had agreed to allow Great Britain to take Damara-land and German Southwest Africa and that Great Britain had agreed with France that she should take the Kamerun and Togoland, provided she left to Great Britain a strip on the coast known as the Nigerian strip. That was the agreement which has been carried out.

Mr. KNOX. Mr. President, may I ask the Senator a question?

Mr. FALL. I yield to the Senator.

Mr. KNOX. If this treaty is ratified, by its terms the overseas possessions of Germany become vested in the principal allied and associated powers, of whom we are one. In other words, we will get an undivided one-fifth of the sovereignty of all those overseas possessions. The question that occurred to me was this: The instant the treaty is ratified, that is the property of the United States. How can the property of the United States and the sovereignty of the United States over that property be conveyed away in advance by any agreement to which Congress is not a party?

Mr. FALL. I will admit that the Senator from Pennsylvania can not secure from me an answer to that question which would be satisfactory to him or satisfactory to me. I asked some questions of the President along that line, and I asked him what kind of title we took. The President seemed to think that we took identically the same title under article 118 and under article 119; but I believe he did make a statement before the committee—possibly the Senator may recall it—to the effect that it had been some time since he had practiced law.

Mr. MOSES. Mr. President, I will refresh the recollection of the Senator from New Mexico by recalling to him that I asked the President if it was not the fact that we took title in fee to an undivided fifth part of the German overseas possessions, and he hastened to qualify his acquiescence in that statement by saying "As trustees, however."

Mr. FALL. Exactly; and he so answered the questions. He gives the same answer with reference to the title under article 118 and the title under article 119; but I will not take time to read it, as it is in the Record. Under article 118, as to the German possessions in Europe, Germany simply renounces, outside of certain boundaries, and does not cede at all. But under article 119, as to her overseas possessions, South Africa and the Caroline Islands, and others, she cedes, she renounces in favor of the five allied and associated powers; and it is the wording of that cession that the Senator from Pennsylvania [Mr. Knox] has referred to. And, as he very well says, the principles laid down in the Diamond cases and the Insular cases and the other cases decided by our Supreme Court with reference to the character of title which we had as to the Philippine Islands, for instance, they later applied, as the Senator will recall, to the Zulu Islands.

Mr. KNOX. And Porto Rico.

Mr. FALL. Yes. I am speaking of the Philippines, because we had to have a second treaty. In the first treaty Spain ceded directly. In the second treaty, with reference to the Zulus, she used exactly the same language as is used here. She renounced in favor of the United States. The Supreme Court of the United States decided that when we took title we became obligated to protect those territories as the owner thereof, with governmental duties to perform; and we have a one-fifth undivided interest in these overseas possessions of Germany, exactly as we had the entire interest in the Philippines, if the decision of the Supreme Court of the United States is law.

Mr. KNOX. Mr. President—

Mr. FALL. I yield.

Mr. KNOX. I do not believe the President meant to convey the idea that there was any technical trusteeship here, because there is not. The cession is direct. He could not by any declaration upon his own part alter the terms of the treaty, which is to be passed on by the Senate. The law of the case is contained within the four corners of this document, if it is ratified. I think his idea of trusteeship was explained by an answer he made to me. I called for an expression of opinion upon his part as to what portions of these overseas possessions the United States would likely retain—whether it was not understood, at least tentatively, that we were to get something out of it—and I remember that he most enthusiastically replied that he would certainly hope that the United States would take nothing, with which I entirely agreed.

Mr. FALL. Yes; and, of course, I am in accord with the Senator. The President said:

Article 118 of the peace treaty, Part IV, under which Germany renounces all her rights to territory formerly belonging to herself or to her allies was understood, so far as special provision was not made in the treaty itself for its disposition, as constituting the principal allied and associated powers the authority by which such disposition should ultimately be determined. It conveys no title to those powers, but merely intrusts the disposition of the territory in question to their decision.

Article 119, section 1, of Part IV, reads:

"Germany renounced in favor of the principal allied and associated powers all her rights and titles over her overseas possessions."

This appears to be a direct cession of the German overseas possessions to the principal allied and associated powers, of course, the United States being the associated power. What character of title does the United States receive to any part of the overseas possessions ceded by Germany through article 119?

Germany's renunciation in favor of the principal allied and associated powers of her rights and titles to her overseas possessions is meant similarly to operate as vesting in those powers a trusteeship with respect to their final disposition and government.

But yet the President, during the course of this very interesting conversation, was asked as to whose duty it would be to protect these territories, and he announced it would be the duty of the mandatory to protect them.

Mr. MOSES. Mr. President, it is probably idle to discuss the various contradictions in opinion which took place in the course of the interrogatories directed to the President at the conference at the White House; but, as a matter of fact, I ask the Senator from New Mexico, if he does not find, whenever we attempt to seek information with reference to any of the involved stipulations of this instrument, that we are dealing wholly with an instrument of faith. When we ask what such and such a thing means, we are told that we hope it means this, that, or the other; when we ask how to interpret the instructions given in one section of the treaty, we are told that the intention was so and so; but there is absolutely no clear thread of construction running through it, and no one who can interpret it correctly. We are asked to take it absolutely as a matter of faith.

Mr. FALL. Mr. President, it is apparent to anyone who has discussed the matter, who has considered it at all in good faith, that there is no representative of the United States who was in Paris who knows anything about the treaty, except with reference to one or two or three articles which he might himself have had something to do with. There was no one to bring all the work together. The President was obsessed with the idea of the shell of a league of nations hanging around article 10, which was his original proposition to the A B C, with reference to Latin-American affairs.

Mr. MOSES. Mr. President, even on those very points the two or three sections with which the so-called experts who came before us dealt at Paris, we were unable to get any information. The most ingenious and probably the most intellectual of all those witnesses who appeared before us, after he had gone back to New York, in relating his experiences before the committee, said that he ducked beneath the lily pads whenever the committee came perilously near to any question which would expose the real situation.

Mr. FALL. Mr. President, the impression made upon the mind of the Senator from New Hampshire, of course, is similar to that which I have brought away from all these so-called conferences or from any contact with anyone who assumed to know anything about the treaty. The President, as I have said, was absorbed in his labors for the future of the world, just as Alexander the First was laboring under the belief that he must prepare the world for the millennium, and that he was the forerunner of the Messiah on the face of the earth. The President of the United States was undoubtedly laboring in Paris for the creation of a league which he believed would bring about peace and good fellowship, and he devoted his attention to that labor and to the details of this treaty. How, in construing it and working it out, it might affect the interests of the people of the United States I think he gave no consideration at all. His mind was wrapped up in the great vision he had seen, just as that of Alexander the First was under the influence of Madame Krüdener or some one else.

Mr. President, the short discussion with reference to these South African colonies has, I think, illustrated or at least evinced the reason which I shall offer later for moving to strike out the words "and associated" in article 119. In other words, if the United States is to get nothing of the German colonies, as she is not to get anything, and they have already been divided up, Japan having gotten a part, Great Britain a portion, Portugal a part, France a part, and they are all actively in process of division or have been divided, and the flags of these different nations are flying over them, if there is to be an amendment to the league covenant restricting or in any way reserving the right of the United States Congress to pass upon mandates for any foreign countries, then certainly, logically, we should strike out the provision by which the United States takes an undivided one-fifth interest in property which already has been given away with the acquiescence of the President of the United States.

COAL-MINING SITUATION.

Mr. FRELINGHUYSEN. Mr. President, I tried this morning to bring to the attention of the Senate what I considered to be a very serious matter, but I was unable to get the recognition of the Chair. I now send to the desk a letter sent me by the president of the Pennsylvania Coal & Coke Corporation, of New York, which I ask to have read.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

PENNSYLVANIA COAL & COKE CORPORATION,
New York, September 26, 1919.

Hon. J. S. FRELINGHUYSEN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am inclosing herewith copy of letter dated September 24, addressed to me as chairman of the Central Pennsylvania Coal Producers' Association by our general secretary, a man for whose judgment I have great respect. You will notice it is his opinion that the action of the United Mine Workers in convention at Cleveland precludes all hope of averting a nation-wide strike in the bituminous and possibly the anthracite coal industry.

I also inclose copy of report of the scale committee of the United Mine Workers adopted at Cleveland, and copy of resolution adopted at the same convention in regard to the nationalization of coal mines.

The mine workers' scale committee and the operators' scale committee are now in conference at Buffalo. It is inconceivable that the operators will grant the demands as presented, and yet there is no alternative to accepting them but a nation-wide coal strike. The operators would be guilty of a national crime if they acceded to the demands in order to avert a strike, as the industries and public of the country can not afford to pay the additional cost that the proposed scale would cause. Roughly, I estimate that it would increase the cost of mining bituminous coal \$1.50 per ton and of anthracite \$2.50 per ton. While a large percentage of this additional cost would be in wages, a considerable proportion would be due to increased cost of the overhead expenses, such as pumping and ventilation.

It can not be truthfully said that the eight-hour day, which is now prevailing, works a hardship on the laboring man; a six-hour day would decrease production 25 per cent. To-day there is not enough anthracite coal mined in an eight-hour day to supply the demands, and reducing it by 25 per cent would unquestionably cause a disastrous shortage regardless of the increase in price. Neither the public nor the industries of the country can afford to add \$1.50 to the cost of bituminous coal; it would cost the railroads alone from \$200,000,000 to \$250,000,000 additional; all public utilities would suffer in the same proportion, most of them already overburdened with high costs for fuel, material, and labor.

Establishing a standard scale of \$8 for ordinary labor would upset the whole economic condition of the country, and yet this is what is demanded by the United Mine Workers. The facts in regard to the present cost of production of coal throughout the United States are in the hands of the Federal Trade Commission. The National Coal Association and the Fuel Administration have accurate cost figures for the year 1918. Applying the proposed scale to figures easily obtainable by your committee would demonstrate to you that my estimates of increased costs are not far out of the way.

The country is now in the throes of industrial unrest due to numerous strikes, the most serious the steel strike. A committee is now investigating the causes of that strike, but after the strike has started. In the case of the United Mine Workers and the coal producers of the country there is no question of recognition of organized labor; the majority of the operators have been trading with organized labor and

entering into scale agreements for many years. It now appears that the radical element has secured control of the United Mine Workers' organization and is determined to force either nationalization of coal mines or a wage scale and working conditions that would demoralize the whole industrial situation. The issue involved is, in my judgment, far greater than that of the steel situation, as coal is fundamentally the base of our whole industrial situation.

I trust you will not think that I am presenting my views for any other reason than that of the general public interest in this important proposition. Your committee may be helpful in averting a calamity through the publicity that can be given the whole matter. I find very few people who realize the danger confronting the country through this issue.

Very respectfully, yours,

D. H. WATKINS.

Mr. FRELINGHUYSEN. Mr. President, I am not going to take the time of the Senate this evening to speak upon this letter. To-morrow morning I shall ask that the Secretary read the report of the scale committee, which includes the demands by the United Mine Workers, together with the reply of the coal-mine operators. I merely wish to state briefly that this simply amounts to a demand to stand and deliver, an ultimatum to the coal miners of the country, with no opportunity for arbitration or contest. The American people can not stand an advance of \$1.50 a ton in bituminous coal and \$2.50 a ton in anthracite, which is largely a domestic coal.

The attention of the Senate should be paid not only to these unreasonable demands, but also to the entire situation. I shall speak briefly to-morrow upon the investigation of this subject which has been made by the Committee on Interstate Commerce and what has been accomplished by it, and I shall also ask the Secretary to read to-morrow the two statements which I have on my desk.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Wednesday, October 1, 1919, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 30, 1919.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY TO BELGIUM.

Brand Whitlock, of Ohio, now envoy extraordinary and minister plenipotentiary to Belgium, to be ambassador extraordinary and plenipotentiary of the United States of America to Belgium.

UNITED STATES ATTORNEY.

John W. Bennett, of Waycross, Ga., to be United States attorney, southern district of Georgia, vice Earl M. Donelson, whose term has expired.

COLLECTOR OF INTERNAL REVENUE.

Leslie A. Miller, of Cheyenne, Wyo., to be collector of internal revenue for the district of Wyoming. New office.

REGISTER OF THE LAND OFFICE.

William H. Lackey, of Westhope, N. Dak., to be register of the land office at Williston, N. Dak., vice William E. Byerly, resigned.

RECEIVER OF PUBLIC MONEYS.

Ernest L. Parker, of Idaho, to be receiver of public moneys at Lewiston, Idaho, vice Blair E. Hoar, removed.

PUBLIC HEALTH SERVICE.

Asst. Surg. Henry V. Wildman to be passed assistant surgeon in the Public Health Service, to rank as such from August 17, 1919.

Asst. Surg. Herbert A. Spencer to be passed assistant surgeon in the Public Health Service, to rank as such from August 27, 1919.

Passed Asst. Surg. Edward R. Marshall to be surgeon in the Public Health Service, to rank as such from August 15, 1919.

Passed Asst. Surg. Emil Krulish to be surgeon in the Public Health Service, to rank as such from August 17, 1919.

Asst. Surg. Gleason C. Lake to be passed assistant surgeon in the Public Health Service, to rank as such from August 16, 1919.

Asst. Surg. William S. Bean to be passed assistant surgeon in the Public Health Service, to rank as such from August 14, 1919.

Asst. Surg. Thomas B. H. Anderson to be passed assistant surgeon in the Public Health Service, to rank as such from August 12, 1919.

COAST AND GEODETIC SURVEY.

The following-named officers of the United States Coast and Geodetic Survey in the Department of Commerce to be junior hydrographic and geodetic engineers (by promotion from aids):

Casper Marshall Durgin, of New Hampshire, vice W. D. Paterson, promoted.

Francis Lawrence Gallen, of Massachusetts, vice G. R. A. Kantzler, promoted.

John Aloysius Bond, of the District of Columbia, vice E. H. Bernstein, promoted.

William Thomas Combs, of North Carolina, vice E. M. Wilbur, promoted.

Cornelius Daniel Meaney, of Massachusetts, vice Benjamin Friedenberg, promoted.

To be aids (by promotion from deck officers):
Lowrie Wilson Burdette, of South Carolina, vice C. M. Durgin, promoted.

William McCaslan Scaife, of South Carolina, vice F. L. Galen, promoted.

PROMOTIONS IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

Lieut. Col. William H. Tschappat, Ordnance Department, to be colonel with rank from September 4, 1919.

FIELD ARTILLERY.

Maj. Edgar H. Yule, Field Artillery, to be lieutenant colonel from September 4, 1919.

Capt. Edmund L. Gruber, Field Artillery, to be major from September 4, 1919.

CORPS OF ENGINEERS.

Lieut. Col. Edgar Jadwin, Corps of Engineers, to be colonel with rank from September 10, 1919.

Maj. Edward M. Markham, Corps of Engineers, to be lieutenant colonel with rank from September 10, 1919.

Capt. Stuart C. Godfrey, Corps of Engineers, to be major with rank from September 10, 1919.

Capt. Francis C. Harrington, Corps of Engineers, to be major with rank from September 14, 1919.

QUARTERMASTER CORPS.

Lieut. Col. Harry E. Wilkins, Quartermaster Corps, to be colonel with rank from September 2, 1919.

CAVALRY.

To be captains.

First Lieut. Samuel V. Constant, Cavalry, from September 2, 1919.

First Lieut. William C. Chase, Cavalry, from September 2, 1919.

First Lieut. Norman E. Fiske, Cavalry, from September 2, 1919.

First Lieut. Donald O. Miller, Cavalry, from September 2, 1919.

First Lieut. Wilson T. Bals, Cavalry, from September 2, 1919.

First Lieut. Cyrus J. Wilder, Cavalry, from September 2, 1919.

First Lieut. Harold C. Fellows, Cavalry, from September 2, 1919.

First Lieut. John T. Pierce, jr., Cavalry (Division Train), from September 2, 1919.

First Lieut. George M. Herringshaw, Cavalry, from September 2, 1919.

First Lieut. Thomas F. Limbocker, Cavalry, from September 2, 1919.

First Lieut. Cornelius M. Daly, Cavalry, from September 2, 1919.

First Lieut. Richard B. Trimble, Cavalry, from September 2, 1919.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE REGULAR ARMY.

CAVALRY.

To be first lieutenants.

Second Lieut. Carleton Swasey, Cavalry, from August 2, 1919.

Second Lieut. Edwin W. Godbold, Cavalry, from August 2, 1919.

Second Lieut. Hugh Brooks, Cavalry, from August 7, 1919.

Second Lieut. John G. White, Cavalry, from August 12, 1919.

Second Lieut. Raymond C. Gibbs, Cavalry, from August 13, 1919.

Second Lieut. Leo F. Crane, Cavalry, from August 13, 1919.

Second Lieut. Rohland A. Isker, Cavalry, from August 13, 1919.

Second Lieut. Robert R. Maxwell, Cavalry, from August 13, 1919.

Second Lieut. Charles A. Horger, Cavalry, from August 13, 1919.

Second Lieut. Arthur D. Soper, Cavalry, from August 20, 1919.

Second Lieut. Conrad G. Wall, Cavalry, from August 20, 1919.

Second Lieut. Harold A. Davis, Cavalry, from August 20, 1919.

Second Lieut. Charlie E. Hart, Cavalry, from August 20, 1919.

Second Lieut. James T. Donald, Cavalry, from August 20, 1919.

Second Lieut. Edward G. Knowles, Cavalry, from August 20, 1919.

Second Lieut. Francis V. Terry, Cavalry, from August 20, 1919.

Second Lieut. Charles E. Dissinger, Cavalry, from August 20, 1919.

Second Lieut. Martin G. Charles, Cavalry, from August 20, 1919.

Second Lieut. Earl M. Abbott, Cavalry, from August 25, 1919.

Second Lieut. Samuel V. H. Danzig, Cavalry, from August 26, 1919.

Second Lieut. George F. Neilson, Cavalry, from August 26, 1919.

Second Lieut. Dean A. Jones, Cavalry, from August 27, 1919.

Second Lieut. Hugh F. Conrey, Cavalry, from August 27, 1919.

Second Lieut. Paul C. Febiger, Cavalry, from August 29, 1919.

Second Lieut. Alexander D. Mason, Cavalry, from August 29, 1919.

Second Lieut. Earle L. Hazard, Cavalry, from August 29, 1919.

Second Lieut. Paul J. King, Cavalry, from August 31, 1919.

Second Lieut. Harry E. Pendleton, Cavalry, from September 1, 1919.

Second Lieut. Benton F. Munday, Cavalry, from September 1, 1919.

Second Lieut. Gyles Merrill, Cavalry, from September 2, 1919.

Second Lieut. William C. Bowie, Cavalry, from September 2, 1919.

Second Lieut. Wilfred E. Willis, Cavalry, from September 2, 1919.

Second Lieut. John B. Seaton, Cavalry, from September 2, 1919.

Second Lieut. James M. Adamson, jr., Cavalry, from September 2, 1919.

Second Lieut. Charles E. Sheldrake, Cavalry, from September 2, 1919.

Second Lieut. Joe C. Rogers, Cavalry, from September 2, 1919.

Second Lieut. Frank A. Allen, jr., Cavalry, from September 2, 1919.

Second Lieut. Guy O. Kurtz, Cavalry, from September 2, 1919.

Second Lieut. Louis J. Compton, Cavalry, from September 6, 1919.

Second Lieut. Clarence A. Lefferts, Cavalry, from September 6, 1919.

Second Lieut. Read Wipprecht, Cavalry, from September 7, 1919.

Second Lieut. Claire M. Daugherty, Cavalry, from September 7, 1919.

Second Lieut. Ceylon O. Griffin, Cavalry, from September 7, 1919.

Second Lieut. Dimetrio P. Harkins, Cavalry, from September 8, 1919.

Second Lieut. Bruce M. McDill, Cavalry, from September 8, 1919.

Second Lieut. Loren F. Parmley, Cavalry, from September 8, 1919.

Second Lieut. Edward Herendeen, Cavalry, from September 8, 1919.

Second Lieut. Grayson H. Bowers, Cavalry, from September 8, 1919.

Second Lieut. Thomas W. Herren, Cavalry, from September 8, 1919.

Second Lieut. Harry G. Clarke, Cavalry, from September 8, 1919.

Second Lieut. Alden H. Seabury, Cavalry, from September 8, 1919.

Second Lieut. Fred W. Koester, Cavalry, from September 8, 1919.

Second Lieut. Clarence A. Shannon, Cavalry, from September 8, 1919.

Second Lieut. Alexander B. MacNabb, Cavalry, from September 8, 1919.

Second Lieut. William N. Todd, jr., Cavalry, from September 8, 1919.

Second Lieut. Walton W. Cox, Cavalry, from September 8, 1919.

Second Lieut. Dudley Miller, Cavalry, from September 8, 1919.

Second Lieut. John K. Egan, Cavalry, from September 8, 1919.

Second Lieut. Thomas R. Taber, Cavalry, from September 8, 1919.

Second Lieut. Ross E. Larsen, Cavalry, from September 8, 1919.

Second Lieut. Charles W. Burton, Cavalry, from September 8, 1919.

Second Lieut. Calvert L. Estill, Cavalry, from September 8, 1919.

Second Lieut. Nathan Cockrell, Cavalry, from September 8, 1919.

Second Lieut. Cecil J. North, Cavalry, from September 8, 1919.

Second Lieut. Robert M. Eichelsdoerfer, Cavalry, from September 8, 1919.

Second Lieut. James T. Watson, jr., Cavalry, from September 8, 1919.

Second Lieut. Edward B. Harry, Cavalry, from September 8, 1919.

Second Lieut. Herbert D. Bowman, Cavalry, from September 8, 1919.

Second Lieut. Albert G. Klapp, Cavalry, from September 8, 1919.

Second Lieut. Fred P. Clark, Cavalry, from September 8, 1919.

Second Lieut. Harry Leroy Jones, Cavalry, from September 8, 1919.

Second Lieut. George S. Clarke, Cavalry, from September 8, 1919.

Second Lieut. Harold P. Stewart, Cavalry, from September 8, 1919.

Second Lieut. Harold LaR. K. Albro, Cavalry, from September 8, 1919.

Second Lieut. Darrow Menoher, Cavalry, from September 8, 1919.

Second Lieut. Mark A. Devine, jr., Cavalry, from September 8, 1919.

Second Lieut. Gerald FitzGerald, Cavalry, from September 8, 1919.

Second Lieut. William H. Killian, Cavalry, from September 8, 1919.

Second Lieut. Carl J. Dockler, Cavalry, from September 8, 1919.

Second Lieut. Olin C. Newell, Cavalry, from September 8, 1919.

Second Lieut. Lawrence T. Brown, Cavalry, from September 11, 1919.

FIELD ARTILLERY.

To be first lieutenants.

Second Lieut. John C. Miller, jr., Field Artillery, from August 5, 1919.

Second Lieut. Walter A. Metts, jr., Field Artillery, from August 6, 1919.

Second Lieut. Morgan F. Simmons, Field Artillery, from August 6, 1919.

Second Lieut. Frank Camm, Field Artillery, from August 7, 1919.

Second Lieut. Leonard H. Frasier, Field Artillery, from August 8, 1919.

Second Lieut. Clifford B. Cole, Field Artillery, from August 8, 1919.

Second Lieut. John S. Burrell, Field Artillery, from August 8, 1919.

Second Lieut. Richardson L. Greene, Field Artillery, from August 9, 1919.

Second Lieut. Roland MacGray, Field Artillery, from August 9, 1919.

Second Lieut. Robert J. Horr, Field Artillery, from August 10, 1919.

Second Lieut. John L. Grant, Field Artillery, from August 12, 1919.

Second Lieut. Paul L. Deylitz, Field Artillery, from August 15, 1919.

Second Lieut. Leo M. Kreber, Field Artillery, from August 15, 1919.

Second Lieut. Edwin L. Sibert, Field Artillery, from August 16, 1919.

Second Lieut. O'Ferrall Knight, Field Artillery, from August 20, 1919.

Second Lieut. Charles C. Blanchard, Field Artillery, from August 20, 1919.

Second Lieut. Paul E. Hurt, Field Artillery, from August 21, 1919.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Rear Admiral Robert E. Coontz, United States Navy, to be Chief of Naval Operations in the Department of the Navy, with the rank of admiral, for a term of four years.

The following-named second lieutenants to be first lieutenants in the Marine Corps, from the 30th day of August, 1918:

Charles A. Wynn,
Thad T. Taylor,
Glenn D. Miller,

Herbert Rosenzweig,
Thomas E. Watson,
Burwell H. Clarke,
Walter G. Sheard,
Paul Brown, and
Roger W. Peard.

Second Lieut. John D. Nevin to be a first lieutenant in the Marine Corps, from the 25th day of September, 1918.

The following-named second lieutenants to be first lieutenants in the Marine Corps, from the 29th day of September, 1918:

Peter C. Geyer, jr.,
James E. Davis,
Lloyd L. Leech,
Charles P. Gilchrist,
Joseph E. Brewster,
Raphael Griffin,
Karl I. Buse,
Harold S. Fassett,
Samuel A. Woods, jr.,
George C. Hamner,
James M. Bain,
George B. Reynolds,
James T. Moore, and
Nimmo Old, jr.

The following-named first lieutenants to be captains in the Marine Corps from the 31st day of August, 1918:

Charles A. Wynn,
Thad T. Taylor,
Glenn D. Miller,
Herbert Rosenzweig,
Thomas E. Watson,
Burwell H. Clarke,
Walter G. Sheard,
Paul Brown, and
Roger W. Peard.

First Lieut. John D. Nevin to be a captain in the Marine Corps from the 26th day of September, 1918.

The following-named first lieutenants to be captains in the Marine Corps from the 30th day of September, 1918:

Peter C. Geyer, jr.,
James E. Davis,
Lloyd L. Leech,
Charles P. Gilchrist,
Joseph E. Brewster,
Raphael Griffin,
Karl I. Buse,
Harold S. Fassett,
Samuel A. Woods, jr., and
George C. Hamner.

First Lieut. James M. Bain to be a captain in the Marine Corps from the 9th day of October, 1918.

First Lieut. George B. Reynolds to be a captain in the Marine Corps from the 25th day of October, 1918.

First Lieut. James T. Moore to be a captain in the Marine Corps from the 28th day of October, 1918.

First Lieut. Nimmo Old, jr., to be a captain in the Marine Corps from the 17th day of November, 1918.

The following reserve and warrant officers to be second lieutenants in the Marine Corps, for temporary service, from the 16th day of September, 1919:

Angus Wilson,
Fred Lueders,
Charles S. Beale,
John F. Duffy,
William R. Perry,
Bert Pearson,
Charles G. Knoechel,
John F. Evans,
Ray W. Jeter,
Louie W. Putnam,
Stephen F. Drew,
Charles F. Finger,
William S. Robinson,
James E. Snow,
Harry Paul,
John W. Hingle,
Augustus Aiken,
Austin G. Rome,
Arthur J. Trask,
Joseph Jackson,
Earl C. Nicholas,
Joseph M. Swinnerton,
Leslie G. Wyatt,
Charles A. Smith,
Archie Farquharson,

Robert W. Winter,
Max Cox,
Edgar S. Tuttle,
William L. Erdman,
Ernest L. Russell,
William F. Becker,
Charles H. Martin,
Ross L. Iams,
George Nielsen,
Harry E. Leland,
John J. Darlington,
Robert P. Harris,
Frank S. Flack,
Eli Savage,
Frederick D. Harbaugh,
Charles C. Carroll,
Norman Johnston,
Spencer N. Phillips,
William T. Crawford,
Francis Kane,
Edward A. Platt,
Charles Wald, and
George S. Furey.

The following-named temporary and reserve officers to be second lieutenants in the Marine Corps, for temporary service, from the 19th day of August, 1919:

Charles R. Francis and
Edward G. MacFayden.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 16th day of August, 1918:

Kenneth R. Berkey,
Lindley H. Pryor,
William K. MacNulty,
Ralph W. Luce, and
George F. Stockes.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 2d day of January, 1919:

Rowan C. Pearce,
Stanley E. Ridderhof,
Elton C. Hersman,
Charlton P. Lee,
Julian N. Frisbie,
Ervin R. Whitman,
Benjamin W. Atkinson, jr.,
William S. Fellers,
Henning F. Adickes, and
Augustus H. Fricke.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 30, 1919.

AMBASSADOR TO BELGIUM.

Brand Whitlock to be ambassador of the United States to Belgium.

POSTMASTERS.

KENTUCKY.

Robert Dixon, Louisa.
Bruner L. Stamps, Scottsville.

MARYLAND.

Walper G. Musgrove, Brunswick.
Joseph H. Numbers, Edgewood.
Charles W. Jefferson, Federalsburg.
Joseph E. Hisley, Fort Howard.
Joseph A. Williamson, Frederick.
Patrick T. McGann, Frostburg.
John D. Rowe, Indianhead.
William J. Ford, Lonaconing.
Jessie P. Smith, Luke.
David H. Hastings, Lutherville.
David N. Webb, Magnolia.
Charles A. Deffinbaugh, Oakland.
Elmore H. Owens, Perryville.
Earle B. Polk, Princess Anne.
Charles Judefind, Rock Hall.
Mary W. McKnett, Trappe.
Samuel A. Wyvill, Upper Marlboro.
Joseph P. Getty, Western Port.
Benjamin C. Lefever, Williamsport.

NEW JERSEY.

Enoch F. Hooper, Trenton.

NEW YORK.

George Q. Johnson, Ardsley.
Margaret D. Cochrane, Bedford.
William J. Ferrick, Chappaqua.
Edgar H. Jolliffe, Congers.
George F. Brunner, Harrison.
John E. Barlow, Horseheads.
Edward A. Gross, New City.
Gregory Dillon, New Rochelle.
Francis Larkin, Ossining.
George H. Miller, Pittsford.
Patrick Halloran, Sparkill.
Lottie M. Barker, Spencerport.

NORTH DAKOTA.

Chase E. Mulinex, Tolley.

PENNSYLVANIA.

Thomas V. Tormey, Arnot.
John W. Kelly, Morris Run.
Roy E. Wheatley, Shickshinny.
Helen L. Chaffee, Wesleyville.

HOUSE OF REPRESENTATIVES.

Tuesday, September 30, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, exercise, we pray Thee, Thy holy influence upon the hearts of Thy children, to still unholy strife, contentions and unwarranted discontent, that riots, strikes, and unlawful influences may pass away.

The world-wide war, with a victory for humanity, liberty, justice, peace, is going, and the patriotism of our gallant soldiers warrants patriotism in peace, that brotherly love with all its blessings may come to every individual, every home and state throughout the nation. To the glory and honor of Thy holy name, in Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

POTASH.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. KINKAID. Mr. Speaker, I ask to have read in my time a letter, which I send to the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

POTASH REDUCTION CO.,
Omaha, Nebr., September 24, 1919.

Hon. MOSES P. KINKAID, M. C.,
Washington, D. C.

MY DEAR SIR: We are again arranging to open our potash plant at Hoffland, Nebr. Will probably start operations about the 10th of October. It seems that the expected potash from abroad is not coming in as the people in the East and South expected. Therefore we are again ready to do what we can to help out the country and supply the country as far as possible with potash for fertilizer for use next spring. This change in the situation shows already the fallacy of the United States relying on foreign nations for any necessities that we can produce at home if properly safeguarded. If Congress had responded to our appeal and safeguarded the industry for a while, the domestic plants would all have been kept running and a sufficient supply of potash would have been produced to take care of the country's needs as far as the seeding season of 1920 is concerned, but as no action was taken, practically all of the potash plants were obliged to close for the want of a market for the product, and now, of course, there will not be time to make up a sufficient supply of potash between now and next spring to fill requirements, but we will do the best we can.

In this connection we want the post office reestablished at Hoffland. Will you please take this matter up with the proper post-office authorities, so that the post office may be reestablished? The records of the office at that point when our plant was operating no doubt will justify the appointment of a postmaster at this time. It is very inconvenient for us at present, while we are putting our plant in order and bringing in more or less equipment and transacting such business as is necessary to commence operations. We are employing about 40 men at this time in this work. When our plant was in operation before we employed from 200 to 250 employees. When we commence operations, about the 10th of October, it will again take a large force. We trust that we may be favored with post-office facilities as early as possible.

Thanking you for the many efforts you have made in the interests of the potash industry in your district and for the many favors extended to us, we remain,

Yours, very truly,

T. E. STEVENS, President.

Mr. KINKAID. Mr. Speaker, on reading this letter last Saturday I at once telegraphed to the writer, asking his permission to have the same read on the floor of this House, and his reply telegram thereto was delivered to me yesterday. It says:

You have my permission to use my letter of the 24th in any way you see fit. It is already being proven that withholding temporary protection to the potash industry will cost the farmer more in the next few years of unsettled conditions than if the industry had been safeguarded and allowed to proceed with confidence in perfecting and cheapening the process of manufacture and utilizing the by-products.

It is pertinent to here mention that it was only six weeks ago when, by reason of the importations of Alsatian and German potash into the United States falling far short of the arrangements which had been made therefor by American importers, that Nebraska producers of potash were enabled to sell the entire product they had on hand when the armistice was signed, amounting to \$1,500,000 worth, but which they had thereafter been obliged to hold on account of the prospects that the foreign product would be furnished in amounts ample for the domestic consumption at a lower price than what they had produced during the war. And there is no telling now when the American consumers of potash will be safe in relying upon importations from foreign countries in adequate amounts to supply the demand. It is also perfectly clear that if American plants are to be shut out of the business permanently for want of legislation to tide them over while improving their economies sufficiently to successfully compete with the German and Alsatian mines—if the American industry is to be stifled in its infancy—our consumers of potash will be bound to pay such prices as the German Kali syndicate and monopoly may deem it not injudicious to impose. They will be required to pay just as high a price as this monopoly may estimate will not result in the industry in America being developed as a permanent competitor in our home market. But I have it by hearsay that two other Nebraska plants have recently resumed operation.

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I ask unanimous consent that the time of the gentleman be extended for two minutes in order that I may ask him a question.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the time of the gentleman from Nebraska be extended two minutes. Is there objection?

Mr. WALSH. I object.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 208. Joint resolution authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2910. An act to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee," approved April 5, 1916.

LANDING OF MARINES IN DALMATIA.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, on the morning of September 24 I called the attention of the House to the use of the armed forces of the United States on the Dalmatian coast without authority from the Congress of the United States against a nation with which we were at peace. The suggestion that our forces had been so used was resented on the Democratic side of the House, and I was asked whether or not I had any authority whatever for making the statement that our forces had been so used. It is now admitted that American forces were used on the Dalmatian coast in a military activity against a nation that until that day was our ally and against which Congress up to this day has not declared war. It was stated by way of explanation on yesterday that as a matter of fact our troops were not ordered by the Executive of the United States to engage in that act of war, but that the order was given to our forces by a foreign authority.

Mr. Speaker, I would require indisputable evidence that the President of the United States had, in a secret conference behind closed doors with four or five other men, consented that during his absence from Europe men of other countries might use the

armed forces of the United States as they might see fit, or in their discretion. It is unbelievable that the President of the United States would do any such thing. It would be so violative of his oath of office, so violative of the rights of the people of the United States, so violative of the rights of the Congress of the United States, which is the only power under our Constitution that can use the armed forces of the United States against a nation with which we are at peace, that I hesitate to believe that the President has done anything of the kind. Yet the Secretary of the Navy says that it was done without his knowledge or his consent. In any event, these forces were used without the knowledge or consent of the Congress, without the knowledge or consent of the American people, and it is a miracle that we are not to-day at war with Italy. Our armed forces are still there, and it is said are still subject to the same powers that ordered their activities on the 23d of this month. It is also said in the same connection that Italy is prepared to resent any further interferences with her activities and her purposes on the Dalmatian coast, and with respect to the ultimate disposition of Fiume. It seems to me in all calmness that the people of this country have a right at this time to have an explanation from the President of the United States as to the use of our arms against the people of Italy in thwarting their purposes or interfering with their business—a country with which we are at peace, and in a land thus occupied as victors when the armistice was signed, and so far removed from us that it is none of our business. Are we to be involved in war without our consent? Are we to be involved in war at the dictate of Lloyd George, Georges Clemenceau, and Woodrow Wilson, or, in his absence, of Col. House? Is it possible that we have so far forgotten that we have a fundamental law to protect the lives, liberties, and property of the people of the United States that a single individual, or a group of foreigners with his consent and without authority from us, may use our armed forces, involving our lives, our limbs, and our property? I repeat that it is the duty of the President to make explanation to the people of the United States and apology to the people of Italy for the incident on the Dalmatian coast. The incident can not pass by shifting responsibility from the President to the council in Paris, or from the council in Paris back to the President. The President, and he alone, is responsible to the people of the United States for this incident.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Ohio.

Mr. LONGWORTH. Did the gentleman introduce a resolution on this subject?

Mr. CAMPBELL of Kansas. No. There is a resolution pending in another body.

Mr. LONGWORTH. I noticed that a resolution was introduced in the Senate a few days ago, but that no reply has been received from the Secretary of the Navy.

Mr. CAMPBELL of Kansas. That is true. There are statements made by the Secretary of the Navy, to one effect on yesterday and to another effect to-day, in the newspapers.

Mr. BYRNES of South Carolina. The gentleman said a resolution had been introduced in the Senate. Has any resolution been adopted by either House?

Mr. LONGWORTH. I understand there was a Senate resolution which was adopted.

Mr. BYRNES of South Carolina. The gentleman said it had been introduced. I wondered whether it had been adopted.

Mr. LONGWORTH. It was a Senate resolution.

Mr. BYRNES of South Carolina. Adopted?

Mr. LONGWORTH. Adopted.

Mr. CAMPBELL of Kansas. This is too serious a matter to be passed over lightly. It is of such grave consequence that the people of this country have a right to know how they surrendered their control of the power to declare a state of war and when and with whom they are to be engaged in war.

Mr. MAYS. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman.

Mr. MAYS. Has the Government of Italy registered any objection to any action taken by those troops?

Mr. CAMPBELL of Kansas. Whether it has or not does not affect the question. Whether they hesitate to register an objection, because of the power of the United States, does not relieve us from the odium that attaches to the use of our arms against a former ally and a weaker nation than ourselves.

Mr. MAYS. Will the gentleman further yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. MAYS. The Italian Government is probably able to judge whether it is injured or not.

Mr. CAMPBELL of Kansas. I hope the gentleman from Utah will not urge as an apology for the use of our arms that the

injury to Italy was not great. It might have involved us in war, and the incident has not yet passed.

Mr. JUUL. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for two minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. I will yield to the gentleman from Illinois.

Mr. JUUL. I would like to ask the gentleman from Kansas if he would consider that we had been damaged if we had been treated by the Italians as our sailors and marines have treated the Italians in this matter?

Mr. CAMPBELL of Kansas. In answer to the gentleman from Illinois, if Italian armed forces had landed on the American coast and had done what there is evidence to show was done on the Dalmatian coast, we would be at war with Italy or Italy's contingent so landing on the coast would now be wiped out.

Mr. MAYS. Does the gentleman claim that the Dalmatian coast is a part of Italy?

Mr. CAMPBELL of Kansas. Oh, no; but Italy was in a victor possession.

Mr. ALEXANDER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. ALEXANDER. I understand the fact to be that the Italian Navy was detailed to police one-third part of the Dalmatian coast, the American Navy another section, and the British Navy another section. These marines who landed were a part of the American forces and were detailed to police the coast, and no part of the territory belongs to Italy, and Italy can have no cause of offense. It was done just as we are maintaining an army on the German front to police that territory. [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. Gentlemen on the Democratic side are easily satisfied if they applaud that explanation of the use of our armed forces.

Mr. ALEXANDER. I get that account from the newspaper press.

Mr. CAMPBELL of Kansas. I want to know from the gentleman from Missouri and from the President of the United States by what authority were the armed forces of the United States designated to police certain portions of the Dalmatian coast?

Mr. ALEXANDER. The same as they were to police the German frontier.

Mr. CAMPBELL of Kansas. Oh, no; we were at war with Germany but not with Italy, and Italy was in a victor's possession of the Dalmatian coast at the signing of the armistice.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent for five minutes to make some remarks on this subject.

The SPEAKER. The gentleman from Alabama asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, on July 19, 1917, we declared war against Austria-Hungary, and authorized the President to use the armed forces of the United States to carry on that war. The resolution declaring war authorized him to invade Austria and occupy with our forces the territory of Austria-Hungary to its uttermost part. That resolution is still in force and effect, and under it the President of the United States, without any possible question, has the absolute legal right to send our Army and Navy into Austrian territory and to maintain them there until peace is signed.

Mr. LAZARO. Will the gentleman yield?

Mr. HUDDLESTON. No; let me develop this further. At the close of the actual hostilities an armistice was entered into in pursuance of which and of our declaration of war our Government assumed certain obligations and responsibilities. Among others we took the responsibility of preserving the existing status of Austria-Hungary until peace should be signed. Peace has not yet been concluded. The obligations imposed upon the United States Government by her declaration of war and by the terms of the armistice are still in force. Those are facts which can not be denied.

The Italians who are asserting authority in Dalmatia and other parts of former Austro-Hungarian territory are proceeding against the will of their Government. They are proceeding without its consent. They are, so far as it is concerned, buccaneers and outlaws. They are, so far as the Governments who are concerned therein, international outlaws.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. HUDDLESTON. I will.

Mr. CAMPBELL of Kansas. Has it escaped the gentleman from Alabama that the Italian Government is supporting the buccaneer, or whatever he may be called—

Mr. HUDDLESTON. It has escaped my attention as it has everyone else who has investigated the matter. [Laughter.] The fact is just to the contrary; the Italian Government has frowned upon the mad venture of D'Annunzio and his buccaneer crowd. They have told him that he is acting against the best interests of Italy in the course that he is taking. The forces which have invaded Dalmatia have no more countenance from the Italian Government than Walker and his crew of filibusters had from the United States when they invaded Nicaragua. In what they have done they are at war with their own country as they are with the United States and all other civilized countries of the world. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HUDDLESTON. I ask for five minutes more.

The SPEAKER. The gentleman from Alabama asks that his time be extended five minutes. Is there objection?

Mr. KNUTSON. Reserving the right to object, will the gentleman yield?

Mr. HUDDLESTON. I do not propose to be held up. I will yield if I see fit.

Mr. WALSH. I object.

Mr. HUDDLESTON. Mr. Speaker, if I am not to have the privilege of proceeding, I would like to ask unanimous consent to extend my remarks on this subject, so that the gentleman from Massachusetts may read it if he does not care to hear it.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. The Italian Government has been greatly embarrassed and compromised by the course of the D'Annunzio forces. They have compromised the good faith of the Italian nation. Their Government endeavored to restrain them in their mad adventure, but they would listen neither to reason nor authority. Their Government has commanded them to vacate Fiume, but though they have put themselves in the position of outlaws they yet have the support of a section of Italian public sentiment and the Government is reluctant to wage war on them as it might easily cost thousands of lives and greatly jeopardize public order in Italy. The course of the Nitti Government in disavowing the action of the D'Annunzio forces has been sustained by an overwhelming vote of the Italian Parliament. It may therefore well be said that D'Annunzio is not supported by the majority sentiment of the Italian people. Military operations on our part or on the part of our associated Governments not only can not be construed as unfriendly to the Italian Government but are in line with their desire and request.

By the terms of the armistice as well as by virtue of having destroyed the authority of Austria-Hungary over Dalmatia, the United States has assumed not merely a legal obligation to maintain the existing status and to protect the inhabitants until they are finally disposed of by a treaty of peace, but has assumed a moral obligation of the highest order so to do. If we should abandon the Dalmatians to the rapacity of any band of filibusters which might have the power and disposition to take possession we would fail in a high duty owed to them, to ourselves, and to the world. We are in honor bound to protect them because we have destroyed the authority of their previous Government. To fail to do so will put us on the level of a policeman who would turn his back while a thug robs a peaceful citizen. We can not afford to do this. The honor and good name of our country demand action. Our good faith and humanity are pledged to it. I should be ashamed of my country if it should coldly leave the Dalmatian people at the mercy of brigands.

But there is another phase of this question to which I wish to call the attention of the gentleman from Kansas [Mr. CAMPBELL]. Under the Constitution of the United States the President is Commander in Chief of our Army and Navy. It has been argued with great force that the power of the President as Commander in Chief can neither be restrained, limited, nor controlled by action of Congress. Eminent lawyers are said to hold to this opinion. I may be permitted to say that I do not agree with them. I hold that Congress is supreme over the Army and Navy and has power to direct the President in the exercise of his functions as Commander in Chief. However, it is undoubtedly true that until Congress does act—until Congress attempts to direct the Commander in Chief—he is free to use his discretion. Without action by Congress the President bombarded Tampico; without congressional action he sent an army 250 miles into Mexico in pursuit of Villa; without congressional action he sent our troops into Siberia. In the absence of congressional action the President may order our Army and

Navy to and fro in the world as freely as within the bounds of the United States—he may send the Navy to-morrow to bombard London.

The gentleman from Kansas [Mr. CAMPBELL] complains that the President may involve us in war. I do not remember to have heard any complaints from the gentleman over the action of the President in sending our forces into Mexico and into Siberia. Such actions of the President were in pursuance of his general powers, not of any declaration of war or express authority of Congress. But the presence of our troops in Dalmatia is due to express congressional authorization—the declaration of war against Austria-Hungary. The Constitution of the United States confers upon the President the power to involve us in war; that is, war in fact if not war in law. The gentleman's complaint lies against the Constitution, not against the President for the exercise of his functions as Commander in Chief.

Congress has never attempted by any general law to limit, control, or circumscribe the President in the exercise of his functions as Commander in Chief of the Army and Navy. Whether Congress has the power to do so remains as yet, as I have said, perhaps a matter of uncertainty. Suffice it to say that if Congress has any such power it has never exercised it nor has such power been recognized by the Supreme Court of the United States. The question is as yet an open one.

The gentleman from Kansas [Mr. CAMPBELL] complains bitterly of the exercise by the President of the discretion which is clearly reposed in him by the Constitution and the law as it now is, yet he makes no offer to take away the President's discretion. The gentleman occupies an important place in this House. He is chairman of its most important committee and a recognized leader of his party. I assume that he speaks for his party in his criticism of the President. Now, then, I challenge him and his party—they are in control of both Houses of Congress—to put through a measure subjecting the President to the direction of Congress in the exercise of his functions as Commander in Chief of the Army and Navy. I challenge them to limit the discretion of the President to direct his control over the Army and Navy. I challenge them to action instead of cavilling. Dare they make an issue with the President before the American people in the effort to limit his power? Dare they to require that the President shall have the consent of Congress before using our Army and Navy in such manner as might result in war?

The gentleman from Kansas and his party have had it in their power for months to force the bringing home of our troops from Siberia through control of appropriations. They have not dared to do it. For months they have had the power to order our troops home from Europe as well as Siberia. They have not dared to do it. They are content, it seems, to go on caviling and nagging.

COLD-STORAGE LEGISLATION.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9521, the cold-storage bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9521, with Mr. Fess in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9521, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes.

Mr. RICKETTS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. RICKETTS: Page 8, line 9, after the word "than" strike out "one" and insert "three" in lieu thereof.

Mr. RICKETTS. Mr. Chairman and gentlemen of the committee, on yesterday I offered an amendment carrying a maximum and minimum penalty for any violation of this legislation, which was defeated. The purpose of this penalty, of course, is to have the provisions of the law observed by those engaged in the cold-storage business. I submit, gentlemen of the committee, that the maximum penalty of \$1,000 and one year in the penitentiary is entirely inadequate to enforce a strict observance of the provisions of this bill, and I have sought by this amendment to increase the imprisonment from one year to three years,

and I sincerely trust this committee will consider this amendment seriously. Everyone knows that when a man is sent to a Federal prison or to a State prison that he gets so much time off for good behavior, and we are not going to have any trouble, in my judgment, in this bill with the small fellows who are engaged in the cold-storage business. Our trouble is going to be to hold the packers of the country in line so as not to hoard the foodstuffs of this country and withhold them from the markets of the country and thus force upon the people prices that are not warranted. I sincerely trust the members of this committee will consider this most seriously. I offer it in the utmost good faith.

Mr. RUCKER. If the gentleman will pardon me, before his amendment is adopted ought it not to be amended so as to strike out the words "one year" and add "three years"? It would not read right to say "three year."

Mr. RICKETTS. Probably that is right.

Mr. RUCKER. I make that suggestion.

Mr. RICKETTS. The amendment is to strike out "one year" and insert in lieu thereof "three years," page 8, line 9.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, is the amendment spoken of by the gentleman from Ohio pending and has it been read?

The CHAIRMAN. It is pending.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, there is always a difference of opinion as to the penalty to be imposed in matters of this kind. The opinion of the committee is positive to the effect that there ought not to be a minimum penalty. The gentleman from Ohio on yesterday offered an amendment providing a minimum penalty and a maximum penalty. Our opinion is that there ought not to be a minimum penalty, and the gentleman has evidently abandoned that, and perhaps I should not speak of it. There is always opposition to a very heavy penalty, because it makes convictions difficult. A jury hesitates to convict in case a penalty that may be imposed is very severe, and I may say that it is the judgment of those who have given attention to these matters that violations of law are best prevented by reasonable penalties and certainty of conviction. The certainty of detection and conviction are the great deterrents to crime. The size of the penalty has a lesser influence.

Mr. HULINGS. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. HULINGS. I would like to ask the gentleman's opinion about the question here that is raised—

Mr. McLAUGHLIN of Michigan. Pardon me—

Mr. HULINGS. With reference to the imprisonment of a corporation. The word "prison" in the bill refers to any individual, partnership, corporation, or association?

Mr. McLAUGHLIN of Michigan. Everyone knows that a corporation can not be imprisoned. Section 14, the next section, relates to persons who can be held personally responsible.

Mr. HULINGS. Then what good is the imprisonment part of the bill?

Mr. McLAUGHLIN of Michigan. That is another question, and the gentleman will pardon me if I confine myself to the amendment of the gentleman from Ohio. That matter of which the gentleman from Pennsylvania speaks will come under the next section.

Mr. WELTY. Will the gentleman yield for a question?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. WELTY. In the event the amendment of the gentleman from Ohio carries changing the penalty from \$1,000 to \$3,000—

Mr. RICKETTS. I do not intend that; it is from one year to three years.

Mr. RUCKER. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Missouri.

Mr. RUCKER. I am impressed by the suggestion made by the gentleman with reference to the maximum penalty. My observation is that whenever a penalty is so severe as not to have the moral support and sentiment back of it it is impossible to enforce. But does the gentleman think that in the case of some person who should willfully and defiantly violate this law and suffer a punishment of perhaps a \$50 fine, and again violates the law and repeatedly violates the law, that the power lodged in the court or jury to assess a three-year sentence would be excessive?

Mr. McLAUGHLIN of Michigan. That is a matter of opinion, Mr. Chairman.

Mr. RUCKER. I think it would be entirely proper.

Mr. McLAUGHLIN of Michigan. And while I am speaking largely for myself, I feel that I may express the opinion of the members of the Committee on Agriculture. They are not deter-

mined to retain this section respecting the amount of punishment just as it is. It is the judgment of the committee that the punishment provided is enough, but it is a matter in which the judgment of this Committee of the Whole is perhaps better than the judgment of the members of the Committee on Agriculture, and I am entirely willing to leave it to the judgment of this large committee. I yield to the gentleman from Ohio.

Mr. RICKETTS. I wanted to ask the gentleman from Michigan if the penalty should be increased from one year to three years if there is still a discretion in the court to impose a penalty?

Mr. McLAUGHLIN of Michigan. Yes; a discretion to impose a penalty. It is only a question of the best administration of the law. I wish simply to repeat what I have said, that in my judgment the certainty of conviction deters the commission of crime more than does the severity of the punishment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOWELL. Mr. Chairman, I think—

Mr. HAUGEN. Mr. Chairman, I desire to call attention of the Chair to the fact that the debate on the section and all amendments thereto was closed yesterday.

The CHAIRMAN. The Chair is not aware of that.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. DOWELL] asks unanimous consent to proceed for two minutes. Is there objection?

Mr. SANDERS of Indiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SANDERS of Indiana. Was the debate closed on this section?

The CHAIRMAN. The Chair was not aware of that.

Mr. HAUGEN. The section and all amendments thereto.

Mr. CANNON. You can not close it on all amendments, but on the discussion of amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. SANDERS of Indiana. Reserving the right to object, I hope the gentleman will ask for more than an extension of time of two minutes, because there is a very important matter here that ought to be discussed for a few minutes in addition to that. I will ask the gentleman if he will not ask for six minutes instead of two?

Mr. DOWELL. I only asked for this because I wanted a few moments on this amendment. I did not know the debate had closed.

Mr. HAUGEN. Debate was closed, but I ask unanimous consent that debate close now in 10 minutes on the section and all amendments thereto.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent that debate on the section and all amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. Mr. Chairman, I think this amendment should be adopted, if you will note from the reading of this provision the punishment is \$1,000, or not to exceed \$1,000, or imprisonment. Now, under this provision it is not necessary to imprison at all, but it seems to me if we are going to make this law effective at all, in cases where a punishment should be inflicted, we should have sufficient penalty that it would be recognized by the violators. And I can see no reason why there should be objection to leaving it to the discretion of the court to give not to exceed three years' penalty under a law of this character. It seems to me if this law is to be of any benefit, we must have sufficient penalty that it will not be violated with impunity.

Mr. JUUL. Will the gentleman yield?

Mr. DOWELL. I yield.

Mr. JUUL. I would like to ask the gentleman if it is not a fact that the penalty clause, having reference to imprisonment, would never be enforced for violation of section 13, for the simple reason that it will be nearly in all cases a corporation that violates the section?

Mr. DOWELL. But under the provisions I think the individuals can be imprisoned. But, at any rate, there are aggravated cases where the court ought to inflict the maximum penalty, and I do not believe one year is sufficient if there is a continued and persistent violation of this law. And I believe if we are going to enforce the law, as it seems to me we ought to do, we should put sufficient penalty into it that the violator will understand what the penalty means. I favor the amendment, and I hope it will be adopted.

Mr. VENABLE. Mr. Chairman—

The CHAIRMAN. The gentleman from Mississippi [Mr. VENABLE] is recognized.

Mr. VENABLE. Mr. Chairman, I am opposed to this amendment, for these reasons: From what little time and study and attention I have given the matter of administration of criminal law, and I have had a little experience along that line, and I have studied the matter some and have tried to get the experience of others in the courts through the years, one fact stands out as thoroughly demonstrated, and that is that the deterrent effect of the enforcement of criminal statutes does not lie in the severity of the penalty but lies in the certainty of conviction and punishment.

Now, this is true, with every criminal statute: Unless the criminal statute and the penalty are in proper ratio with the sense of justice of the community, and unless the public sentiment approves of a particular penalty as a punishment for a particular act, you can not enforce it, or, at least, it has the tendency to make its enforcement more difficult. So your ideal criminal statute and your ideal penalty is that penalty which is in perfect accord with the sense of justice of the community. If your penalty is too severe, or can be too severe, your juries are apt not to convict or less apt to convict. Oh, but, they say, we leave it in the discretion of the judge. But the effect is the same whether it is left within the discretion of the judge or not, because the juries will say it is possible under this statute for them to impose this too severe a penalty. So for the sake of getting the best deterrent effect of the enforcement of the criminal statute, which is the certainty of punishment, it is always best to put your penalty too light rather than too heavy; make it too lenient rather than too severe.

Now, dealing with the class of men who are engaged in the packing business, the fact of being convicted and the fact of being sent to the penitentiary is the thing that will deter. Whether you send them for one year or three years, one year will be just as deterrent as three. Take the membership of this House, for instance, and measuring them by my own feelings, if I were in danger of being convicted and sent to the penitentiary, the thing that would frighten me would be the fact of being sent there at all, not the length of time. After you sent me there it would be largely a matter of indifference with me, and, I think, with you, whether we were sent there for one year or three years. Yet, if you vote for one year you come nearer, in my judgment, making your penalty commensurate with the sense of justice of the community. Now, again—

Mr. LAYTON. Will the gentleman yield for a moment?

Mr. VENABLE. Yes.

Mr. LAYTON. On the basis of ordinary logic, why not make it one day, then?

Mr. VENABLE. Because your penalty must be commensurate with the sense of justice of your community. The sense of justice of your community would be outraged if you made it outrageously too little. The ideal penalty is the penalty that will be sustained by the sense of justice of the community. One day would possibly have no deterrent effect, because it would be too trifling, but when you come up to the point where the penalty means actual punishment then the tendency should be to make it too little rather than too heavy.

Mr. RICKETTS. Mr. Chairman, will the gentleman yield?

Mr. VENABLE. Yes.

Mr. RICKETTS. Does not the gentleman know that 75 per cent of the ptomaine poisoning in this country among the people comes from the use of tainted meat? Now, suppose that the cold-storage monopoly could keep their meats in cold storage for a longer period than 12 months, and that the meat would deteriorate and become tainted. Do you think three years' punishment would be too much to inflict upon the people engaged in that business?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment: Page 8, line 9, after the word "both"—

The CHAIRMAN. Does the gentleman offer an amendment to the amendment?

Mr. RICKETTS. There is an amendment pending.

Mr. SANDERS of Indiana. No; I am offering another amendment. Let the pending amendment be voted on first, and then I will offer mine.

The CHAIRMAN. Without objection, the pending amendment will again be reported.

The Clerk read as follows:

Amendment offered by Mr. RICKETTS: Page 8, line 9, after the word "than," strike out "one" and insert "three" in lieu thereof.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. RICKETTS. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 22, noes 34. So the amendment was rejected.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. How long is this debate on this cold-storage bill going to last?

The CHAIRMAN. I think the gentleman from Missouri is too experienced a parliamentarian to put such a question as that to the present occupant of the chair. [Laughter.]

Mr. CLARK of Missouri. This is the fourth day of argument on a bill that ought to have been enacted in two hours.

Mr. GARD. Mr. Chairman, I desire to offer an amendment, on page 8, line 6, to strike out the figure "4." But, first, a parliamentary inquiry. Is there any time remaining?

The CHAIRMAN. There is not.

Mr. GARD. I ask unanimous consent for one minute to explain the amendment.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, Mr. Chairman, I ask to have the amendment read first.

The CHAIRMAN. Without objection, the amendment will be read.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 8, line 6, strike out the figure "4."

The CHAIRMAN. Is there objection to the gentleman's request that he may proceed for one minute?

There was no objection.

Mr. GARD. Mr. Chairman, calling the attention of the membership of the committee to this section 13, it seeks to enumerate what provisions are held liable for penalty, and I call the attention of the membership of the committee to the fact that section 4 applies only to the Secretary of Agriculture and could have no application to anybody else.

Mr. McLAUGHLIN of Michigan. The gentleman is wrong about that. It imposes a duty upon him as to marking.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. WELLING. Mr. Chairman, on yesterday a new section was added, as I understand.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WELLING. I move to amend by adding to the numeral on page 8, line 6, the numeral "11 (a)."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to renumber the sections.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Utah.

The Clerk read as follows:

Amendment offered by Mr. WELLING: Page 8, line 6, after the figures "11," insert "11 (a)."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. RUCKER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RUCKER: After the word "any," in line 13, page 8, insert "agent, representative, or officer of a corporation or other."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 14. That in construing or administering the provisions of this act, or any regulation thereunder, whenever the act, omission, or failure of any person acting for an individual, partnership, corporation, or association within the scope of his office, employment, or agency, or other authority granted him, or in him, is in violation of this act, such individual, partnership, corporation, or association, as well as such person, shall be guilty of such violation.

Mr. HAUGEN. Mr. Chairman, I offer a substitute for section 14.

The CHAIRMAN. The gentleman from Iowa offers a substitute for section 14, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 14 and insert:

Sec. 14. That in construing or administering the provisions of this act, or any regulation thereof, whenever any person subject to the provisions of this act, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such person, alone or with any other person, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be in violation of any provision of this act, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be guilty of such violation.

Mr. WALSH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. I suppose the amendment which is offered is a motion to strike out and insert.

The CHAIRMAN. It would have to be in that form—to strike out and insert.

Mr. HAUGEN. To strike out lines 18 to 25, inclusive, and insert the language read.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. I yield to the gentleman.

Mr. RUBEY. This is the first time I have heard the amendment. I was not aware that the committee had agreed upon this proposition. It is very difficult to understand the amendment from the reading at the desk, and I ask the gentleman to pass this amendment over and let us have an opportunity to look at it.

Mr. HAUGEN. I ask unanimous consent that the amendment be passed over, to be recurred to later.

The CHAIRMAN. If there be no objection, this amendment will be passed over.

Mr. GARD. Is it the intention to allow the amendment to go back to the committee for clarification?

Mr. HAUGEN. No; we will pass it for the present, and recur to it later.

Mr. HUDDLESTON. I move to strike out the last word, and ask unanimous consent to proceed for five minutes, not on the bill.

The CHAIRMAN. Will the gentleman wait until the next section is read? Debate has been exhausted on the preceding section, and section 14 has been passed over.

Mr. HUDDLESTON. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 15. That the provisions of sections 3, 4, 5, 6, 7, or 9 of this act shall not apply to any article of food delivered for shipment to any foreign country if in respect to the requirements of said section such article of food complies with the specifications and directions of the purchaser in such foreign country and not in contravention of the laws of such country, but if said article of food be not actually exported this section shall not exempt such article of food from the operation of said sections.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection to the request of the gentleman from Alabama?

Mr. MADDEN. I have an amendment to perfect the text.

The CHAIRMAN. The Chair has submitted a request for unanimous consent. The gentleman can object to it.

Mr. MADDEN. I object.

Mr. HUDDLESTON. I move to strike out the last word. I will say to the gentleman that it is because my remarks are not germane to the section that I made the request for unanimous consent. I did not want it understood that I thought the remarks were germane.

The CHAIRMAN. Does the gentleman object?

Mr. MADDEN. I object for the time being, until I offer my amendment, which has the preference because it is an amendment to perfect the text.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. MADDEN. I offer an amendment, on page 9, line 5, after the word "purchaser," to insert the words "or consignee."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 9, line 5, after the word "purchaser," insert the words "or consignee."

Mr. HAUGEN. I have no objection to the amendment. I accept it.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois [Mr. MADDEN].

The amendment was agreed to.

Mr. HUDDLESTON. I now renew my request.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes out of order. Is there objection?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, I trust the gentleman from Alabama will not press that request. There is great need for getting through with this bill. The chairman of the committee [Mr. HAUGEN] and myself are conferees with the Senate committee on the rent bill, which must be passed as soon as possible. It is very much to be regretted that it has not been passed before this. It ought to be passed, if possible, before the 1st of October, to-morrow, when a very large number of new leases will be made in this city. We have an engagement to meet the Senate conferees at 3 o'clock. We suggested that hour because we thought we could get through with this bill by that time, but we can not if we permit discussion on other matters. For that reason—

Mr. HUDDLESTON. Will the gentleman yield before making his objection?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman.

Mr. HUDDLESTON. This morning we gave about 15 minutes to the gentleman from Kansas [Mr. CAMPBELL] to discuss a certain matter of important foreign moment. This is the second time that the same gentleman has had unanimous consent to discuss that question. Nobody has been heard on this side beyond the five minutes that I got this morning, in which I got just to the middle of what I wanted to say. In the interest of fairness I ask the gentleman to give us on this side a certain amount of square deal. Will he not allow this beggarly five minutes that I ask? The gentleman himself took nearly five minutes in objecting to my request. It is certainly not in the interest of economy of time that the gentleman makes his objection. If it is to be put on the ground that he does not want matters of this kind discussed, why did the gentleman consent to his associate on that side discussing it?

The CHAIRMAN. Is there objection to the request?

Mr. McLAUGHLIN of Michigan. I withdraw the objection, but give notice that I will renew it hereafter if similar requests are made.

Mr. LAYTON. Mr. Chairman, I object.

Mr. BLACK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 9, line 3, after the word "country," strike out the balance of the line and all of lines 4, 5, 6, and the word "country" in line 7.

Mr. BLACK. Mr. Chairman, the amendment that I have offered, if adopted, would strike out the following language now contained in the paragraph:

If in respect to the requirements of said section such article of food complies with the specifications and directions of the purchaser in such foreign country and not in contravention of the laws of such country.

Now, I realize perfectly well that Congress has the same power to regulate foreign commerce as it has to regulate interstate commerce, but it occurs to me that this is rather a peculiar provision. It says to the Secretary of Agriculture that as to such foreign shipment, if it is agreed to by the purchaser and not in contravention to the laws of that country, then it is not subject to the provisions of sections 3, 4, 5, 6, 7, and 9. In other words, it puts upon the Secretary of Agriculture the duty and responsibility of enforcing the laws of a foreign country.

I recognize that it is perfectly proper for us to regulate the importations to this country of these food products under the same rules as apply to the sale of goods produced and manufactured and stored in this country, because if we did not do that, of course, we would not have a uniform rule. Section 16, which follows section 15, does do that very thing and gives authority to the Secretary of Agriculture whenever any goods are shipped into this country that do not comply with our storage regulations to hold them up, and the customhouse officials may refuse admission; and I think that is a perfectly proper authority. But I do think that as to exportations we ought to make a rule that the same regulations, that the same law shall apply to such shipments as apply to all the rest of the goods that enter into the cold-storage warehouses, or we ought to strike out this entire provision and put no restrictions on foreign shipments.

Mr. SANDERS of Indiana. What part does the gentleman want to strike out?

Mr. BLACK. I want to strike out those words beginning with the word "country," line 3, and extending down to the word "country," on line 7. If stricken out the section as amended would read as follows:

SEC. 15. That the provisions of sections 3, 4, 5, 6, 7, or 9 of this act shall not apply to any article of food delivered for shipment to any foreign country, but if said article of food be not actually exported this section shall not exempt such article of food from the operation of said sections.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. SANDERS of Indiana. How could that apply? It says not in contravention of the laws of that country. How could any regulation with reference to the treatment of food here be in contravention of the law of another country?

Mr. BLACK. It would not, of course, apply in such foreign country, but it would put on the Secretary of Agriculture the burden or duty of studying the laws of a foreign country, as to export shipments, because by the very provision in the language to which I call attention, the duty to deal with these foreign shipments is placed upon him.

Mr. SANDERS of Indiana. These laws could not be extra-territorial, and I do not see how they could be in contravention of any laws.

Mr. BLACK. No; but he could hold up the shipments. It gives him authority to do that if the exemptions from the different sections would be in contravention of the laws of the other country. We might have two or three or four different kinds of systems and put upon the Department of Agriculture the duty of studying out the different laws and finding out whether they are in contravention of the laws of the foreign country.

Mr. HAUGEN. That would not be necessary.

Mr. BLACK. I think it is sufficient for each country to regulate its own importations, and that is what we do in section 16.

Mr. HAUGEN. The goods are not to be marked if in respect to the requirement of said section such article of food complies with the specifications and directions of the purchaser in such foreign country and not in contravention of the laws of such country.

If the specifications are there, the goods may be exported without marks if not in contravention with the laws of the country, otherwise they will have to be marked.

Mr. BLACK. Then that would put upon the Secretary of Agriculture the duty and responsibility of looking up each one of these cases when the purchaser of the export shipment has agreed that they may be exempted from regulations; he must look up the law of that foreign country and see whether that agreement is in contravention of the laws of that country. It is placing on him a duty of construing and interpreting the law of a foreign country. A rather difficult task, I should think, unless the Secretary had at hand the cold-storage laws of all foreign countries.

Mr. HAUGEN. This is in line with the law relating to the exportation of meats.

Mr. BLACK. We ought to exempt foreign shipments entirely or we ought to make the same law apply as applies to interstate-commerce shipments.

Mr. HAUGEN. The gentleman would not want to export anything in contravention of the laws of the foreign country?

Mr. BLACK. That would be left to the foreign country itself. Of course, when the goods reach the ports of the foreign country it is subject to the control of their customhouse officials and the laws of such foreign countries. Each country certainly should be able to protect itself by its own laws.

Mr. HAUGEN. The gentleman would not prevent the foreign shipments without marks. If it is not the purpose to export in contravention of law, why not state it in the bill. We state that we do not propose to permit exporting anything in contravention of laws of the foreign country.

Mr. WALSH. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. WALSH. Do the provisions of this act apply to the shipment of meat being made to a foreign country in refrigerator cars and then in a vessel under foreign jurisdiction, where it is put into cold storage for the first time?

Mr. HAUGEN. Except in that refrigerator vehicles and vessels are excepted in the definition of "warehouse." It applies as far as the 3-mile zone, after that 3-mile zone is passed it is out of this country's jurisdiction over interstate commerce and foreign commerce. Congress has no jurisdiction beyond that.

Mr. WALSH. Will it apply to a shipment of meat shipped in a refrigerator car where the meat is going to a foreign country when it is first put into cold storage?

Mr. HAUGEN. It will apply as far as the 3-mile zone, and that is as far as our jurisdiction extends.

Mr. WALSH. There is no 3-mile zone from Canada or Mexico.

Mr. HAUGEN. Our authority ceases when it crosses the line. If it is in a vessel sailing across the sea, then our jurisdiction ceases when it leaves the 3-mile zone.

Mr. WALSH. Well, now, suppose it is put in this refrigerator car and started for the boundary line? You say here this provision shall apply to articles of food delivered for shipment if said article of food complies with the specifications and direc-

tions of the purchaser in such foreign countries and not in contravention of the laws of such country. Suppose—

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I ask that the gentleman be given five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. WALSH. Now, assuming that the foreign country has not any laws at all upon the subject, that the Secretary of Agriculture knows that before the shipment is made, then in what situation will the shipper be with respect to a violation of this provision?

Mr. HAUGEN. He may mark the goods; that is all there would be to it.

Mr. WALSH. They have to conform to the law.

Mr. HAUGEN. Yes; he may conform to the law here in this country which requires that the goods must be marked. If he marks the goods, then this section does not prohibit his shipping them nor apply to the goods marked.

Mr. WALSH. And if they go beyond the line they can take off the tag and there is no liability?

Mr. HAUGEN. We can not object to that, because we have no jurisdiction.

Mr. WALSH. I see. I just wanted to get that clear from the chairman of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 2, strike out the word "or" and insert the word "and."

Mr. RAKER. Mr. Chairman, I take it for granted, speaking to the chairman of the committee, that that is a clerical error, is it not?

Mr. HAUGEN. A violation of all the sections, of a single one.

Mr. RAKER. How can you tell which section he violates? It means nothing the way it is here—"that the provisions of section 3, 4, 5, 6, 7, or 9."

Mr. HAUGEN. Either of them; any of them.

Mr. RAKER. But it does not say that.

Mr. HAUGEN. That is the usual language.

Mr. SAUNDERS of Virginia. May we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. McLAUGHLIN of Michigan. If the amendment of the gentleman from California were adopted it would be necessary to show a violation of all the sections. As it reads with the word "or," if there is a violation of any one there can be a prosecution. The amendment certainly ought not to be adopted.

Mr. ROMJUE. Mr. Chairman, I move to strike out the last word. The gentleman is mistaken, I think. If you will read carefully, the section reads, "that the provisions of sections 3, 4, 5, 6, 7, or 9 of this act shall not apply to any article of food under certain conditions. Now, if it read that all of the sections shall not apply under certain conditions, that is in the alternative, and it ought to be conjunctive, and I think the membership should read this carefully, and they will find that the amendment ought to be adopted.

Mr. RAKER. The text of the section shows clearly that is what the committee intended, because the last proviso says, "but if said article of food be not actually exported this section shall not exempt such article of food from the operation of said section." What section? Sections 3, 4, 5, 6, 7, and 9. That is what the committee wanted, and I want to help them along, so as to make it absolutely plain. That is all.

Mr. McLAUGHLIN of Michigan. I must confess to a very careless reading of this section. I thought it provided for some penalty, but it does not, and I am inclined to think the gentleman from California is right.

The question was taken, and the amendment was agreed to.

Mr. ROMJUE. I would suggest the necessity of adding an "s" to the word "section."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. SAUNDERS of Virginia. Mr. Chairman, I move to strike out the last word. I would suggest to the gentleman from Michigan, in line 4, the word "section" ought to be "sections."

I move to strike out the word "section" and insert the word "sections."

Mr. McLAUGHLIN of Michigan. Strictly speaking, the gentleman is right about it, but there is a definition that says the singular or plural shall be used where the case demands it. I think probably it might be added.

Mr. SAUNDERS of Virginia. I make the motion to strike out the word "section" and insert the word "sections."

Mr. McLAUGHLIN of Michigan. Let the gentleman make his motion to add the letter "s"; there is no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 4, strike out the word "section" and insert the word "sections."

The question was taken, and the amendment was agreed to.

Mr. SAUNDERS of Virginia. Mr. Chairman, I suggest that the words in lines 3 and 4 "in respect to the requirements of said section" ought to be stricken from the bill, so that the section would read "for shipment to any foreign country if such article of food complies," and so forth. The words "in respect to the requirements of said section" are mere surplusage. The purpose of this section is to eliminate with respect to foreign consignments, the requirements of the sections cited. This being so and foreign consignments being placed on a different basis from consignments within the United States, the words "in respect to the requirements of said sections," have really no meaning in this connection. Provided the goods conform to the requirements of the foreign consignee, and are not in contravention of the laws of the place of the consignment, the requirements of the sections cited may be utterly disregarded with respect to such shipments.

The CHAIRMAN. There is nothing before the House.

Mr. SAUNDERS of Virginia. I move to strike out the words "in respect to the requirements of said section."

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SAUNDERS of Virginia: On page 9, line 3, after the word "if," strike out the words "in respect to the requirements of said section."

Mr. HAUGEN. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Virginia [Mr. SAUNDERS] yield to the gentleman from Iowa?

Mr. SAUNDERS of Virginia. Certainly.

Mr. HAUGEN. I fear if the gentleman's amendment is adopted it would do away with the marking entirely. All that would be necessary then would be to allege that it was for export and it would not require any marking at all. The section has reference to the marking of goods.

Mr. SAUNDERS of Virginia. The moment you say the provisions of the said sections shall not apply, under the conditions cited you thereby eliminate the requirements of the sections with respect to goods that are intended for foreign purchasers.

Mr. SANDERS of Indiana. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Indiana?

Mr. SAUNDERS of Virginia. Certainly.

Mr. SANDERS of Indiana. I was going to suggest to the gentleman from Virginia that the phrase which the gentleman seeks to strike out is a limitation upon what the article of food must comply with. In other words, this is the language:

If, in respect to the requirements of said section, such article of food complies with the specifications and directions of the purchaser.

It does not have to comply with all the specifications and directions of the purchaser, but it does in respect to these particular requirements, and also if it is not in contravention with the laws in respect to these particular requirements.

Mr. SAUNDERS of Virginia. This section states that the goods shall conform to the instructions of the foreign purchaser, and shall not be marked conformably to the provisions of the law controlling domestic operations, thereby excluding all provisions of this act from applying to goods consigned on foreign account. The plain intent of the section is that it will be sufficient for the purposes of shipment abroad that the goods shall conform to the foreigner's instructions, and shall not be in contravention of the foreign laws. This being so, it seems to me that the words "in respect to the requirements of said sections," are entirely superfluous. As well use in this connection the word "provisions." The requirements of said sections are contained in the provisions of said section. To retain these words is mere tautology.

Mr. HAUGEN. If the words were stricken out, and a party were to allege that a lot of eggs were for export, there would be no marking required, because sections 3, 4, 5, and 6 require the marking. You say it shall not apply to export. Anybody

that alleges that an article is for export will not be required to mark it. And if they are in cold storage for export, there is no way of checking them.

Mr. SAUNDERS of Virginia. This section states precisely that if these articles of food shall comply with the specifications and directions of the purchaser in a foreign country, the requirements of our domestic law shall not apply to such articles. The use of these words is merely to refer again to provisions intended for domestic business, and expressly excluded as to foreign consignments under the conditions cited.

Mr. HAUGEN. It will do no harm, anyway, to leave it in.

Mr. SANDERS of Indiana. Mr. Chairman, I rise in opposition to the proposed amendment. If the amendment of the gentleman from Virginia [Mr. SAUNDERS] should be adopted the section would read as follows:

That the provisions of sections 3, 4, 5, 6, 7, or 9 of this act shall not apply to any article of food delivered for shipment to any foreign country, if such article of food complies with the specifications and directions of the purchaser in such foreign country.

That is the exception. In other words, in order to exempt it the article of food must not only comply with the specifications required in that section, but the article of food must comply with the specifications and directions of the purchaser. The purchaser might make directions and specifications entirely out of line with these sections, but might make the same requirements in these sections and many additional, and not in contravention of the law of the country. Now, the phrase sought to be stricken out modifies that. In other words, it is required to be in conformity with the law of said country in respect to the requirements of this particular section. I think the purpose of the section would be much clearer if the language were left as it now appears.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Virginia?

Mr. SANDERS of Indiana. Yes.

Mr. SAUNDERS of Virginia. Take the case of goods that have been delivered for foreign shipment, and which in all respects comply with the specifications and directions of the foreign purchaser and are not in contravention of the laws of the purchaser's country. In such a case would the sections cited apply to the shipment?

Mr. SANDERS of Indiana. No.

Mr. SAUNDERS of Virginia. If that be true, what meaning may be found in the words "in respect to the requirements of said section"? You admit that the moment the goods comply with the requirements of the foreign purchaser, that this conformity will eliminate the application of the sections cited to such goods.

Mr. SANDERS of Indiana. Why should the food be required to comply with all the specifications and directions of the purchaser in a foreign country?

Mr. SAUNDERS of Virginia. That is a *sine qua non*. That is the very condition precedent under which it is provided that the sections cited shall not apply.

Mr. SANDERS of Indiana. That is where your construction and my construction differ. I think it is only, as drawn, that they shall comply as to the requirements of this particular section, and I think it is only required that they shall comply with foreign law in respect to these matters. If the gentleman's contention is right, it must comply with all the requirements of the foreign law and all the directions and specifications of the purchaser.

Mr. SAUNDERS of Virginia. The goods do not have to comply with the requirements of the foreign laws. It is merely required that they shall not be in contravention of those laws.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Virginia [Mr. SAUNDERS].

The question was taken, and the amendment was rejected.

Mr. GARD. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise? Mr. GARD. For the purpose of offering an amendment, on page 9, line 6, after the word "and," and before the word "not," to insert the word "be."

I do this for the purpose of making clear the expression.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 9, line 6, after the word "and" insert the word "be."

Mr. GARD. Mr. Chairman, I do not desire to be heard on it. It is manifestly a proper correction.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 16. (a) That whenever in the case of any article of food being offered for importation the Secretary of Agriculture has reason to believe that such article of food is being shipped in commerce in violation of any provision of this act, he shall give due notice and opportunity for hearing thereon to the owner or consignee, and certify such fact to the Secretary of the Treasury, who shall thereupon (1) refuse admission and delivery to the consignee of such article of food, or (2) deliver such article of food to the consignee pending examination, hearing, and decision in the matter on the execution of a penal bond to the amount of the full invoice value of such article of food, together with the duty thereon, if any, and to the effect that on refusal to return such article of food for any cause to the Secretary of the Treasury when demanded, for the purpose of excluding it from the country or for any other purpose, the consignee shall forfeit the full amount of the bond.

(b) If, after proceeding in accordance with subdivision (a) of this section, the Secretary of Agriculture is satisfied that such article of food being offered for importation was shipped in commerce in violation of any provision of this act, he shall certify the fact to the Secretary of the Treasury, who shall thereupon notify the owner or consignee and cause the sale or other disposition of such article of food refused admission and delivery or entered under bond, unless it is exported by the owner or consignee within three months from the date of such notice, under such regulations as the Secretary of the Treasury may prescribe. All charges for storage, cartage, or labor on any such article of food which is refused admission or delivery or is entered upon bond shall be paid by the owner or consignee.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. RAKER. I want to ask the chairman of the committee a question. On line 9, page 10, it is provided that the Secretary of the Treasury may cause this property to be sold. Is that the usual procedure?

Mr. HAUGEN. That is the usual procedure.

Mr. RAKER. In other words, he can take possession of the property and sell it and turn over the proceeds and assess the cost to the consignee. Now, one other question. On lines 13 and 14 we find "all charges for storage, cartage, or labor." Is there any reason why those charges should be confined to those particular items, or ought it to be "all charges"?

Mr. HAUGEN. I believe that is all of them.

Mr. RAKER. Are there any legal charges, expenses of inspection, and things of that sort?

Mr. HAUGEN. I do not think they make any charges for that.

Mr. RAKER. None whatever?

Mr. HAUGEN. No.

Mr. RAKER. All the expenses that the Government may go to in making the examination if the party has imported it in contravention of this statute and it is authorized to be sold?

Mr. HAUGEN. I understand in that case those charges are not taxed up. That is my understanding of it. I am not clear about it.

Mr. RAKER. Maybe the gentleman from Minnesota is familiar with it.

Mr. ANDERSON. The cost of the sale would follow, as a matter of course, under the general law. These charges here have to be specified; otherwise they would not follow.

Mr. RAKER. I see.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Sec. 17. That whenever it appears that any article of food in transportation in a refrigerator vehicle in commerce or in cold storage in the District of Columbia or a Territory is in such condition that it is likely immediately to become or is unsound, unwholesome, or unfit for food, the Secretary of Agriculture may cause the immediate seizure of such article of food and thereupon shall at once cause notice of the facts to be given to the United States district attorney for the district in which the article of food is seized. Such district attorney shall proceed without delay against such article of food in any court of the United States in such district for confiscation by process of libel for condemnation. If in the opinion of the court the article of food is in such condition that it is likely immediately to become or is unsound, unwholesome, or unfit for food it shall be immediately disposed of by destruction or sale as the court shall direct, but such disposition shall not be contrary to any law of the United States or of the State, Territory, or District where such destruction or sale takes place. The proceeds of any sale under this section, less legal costs and charges, shall be paid to the person entitled thereto. The proceedings in such seizure cases shall conform as nearly as may be to proceedings in admiralty and shall be at the suit and in the name of the United States. For the purposes of this section the Secretary of Agriculture may cause investigations, inspections, analyses, and tests to be made and samples to be collected of any article of food in commerce. The Department of Agriculture shall pay to the person entitled, upon his request, the reasonable market value of any such samples.

Mr. BARBOUR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. BARBOUR. I do so for the purpose of asking the chairman or some member of the committee a question. Is it the intention of this language, commencing on line 3, page 12, and

ending with the word "agent," on line 9, page 12, that after affidavits are taken in this manner they may be used as evidence in court?

Mr. HAUGEN. I will turn it over to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Michigan. No. It is not the intention to change the rules of evidence.

Mr. BARBOUR. I did not think it was.

Mr. McLAUGHLIN of Michigan. I do not think it would be construed as such. The same question arose in my own mind when this draft was first submitted to us, and I objected to these words and myself drew others. But I came to the conclusion that this can not be construed as an attempt to change the rules of evidence, and that an affidavit taken outside, however made, could not be used, except perhaps in connection with and as part of a deposition taken, as the gentleman is familiar, if it were offered.

Mr. BARBOUR. I believe that that was the intention of the language, but I confess that after a careful reading I was somewhat in doubt as to the effect of the words "have like force and effect as if administered or taken by or before the clerk of such court."

Mr. McLAUGHLIN of Michigan. It means as if the identical paper had been sworn to before the clerk. That would not permit that matter to be read as evidence or testimony in the case, would it, in any case?

Mr. BARBOUR. Not that I know of, but my understanding of this language is that possibly it might have that effect. That is the reason I asked the question.

Mr. McLAUGHLIN of Michigan. The gentleman is right in saying that the paper, if sworn to before the clerk himself, could not be offered in lieu of testimony of witnesses.

Mr. BARBOUR. The reason I asked the question is that the meaning of the language is more or less doubtful to me, and it occurred to me that possibly an amendment making the meaning a little clearer would be in order.

Mr. McLAUGHLIN of Michigan. The Federal courts have held that an affidavit made before a notary public can not be used for certain purposes or made the basis of some certain action by the Attorney General. The intention is that an affidavit sworn to before an officer of the department justifying such action by the Attorney General shall have the same force and effect as similar papers made and executed before a clerk of the court. That was the intention of the committee.

Mr. BARBOUR. I am willing to accept the committee's construction, but the language of the bill is a little confusing to me.

Mr. McLAUGHLIN of Michigan. I was confused by it myself at first, but after examination and reading the cases in the books which the legal representative of the Department of Agriculture brought to me I was satisfied that the language is safe and proper.

Mr. BARBOUR. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Sec. 18. That the Secretary of Agriculture is authorized to designate in writing specifically officers, employees, and agents of the Department of Agriculture to administer oaths for the purposes of this act. All such officers, employees, and agents are authorized and empowered to administer to or take from any person an oath, affirmation, or affidavit for the purposes of this act, or for use in prosecution or proceeding thereunder. Any such oath, affirmation, or affidavit, authenticated by the official seal of the Department of Agriculture, shall, when offered for use in any court of the United States, have like force and effect as if administered or taken by or before the clerk of such court, without further proof of the identity or authority of such officer, employee, or agent. No such officer, employee, or agent shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by this act.

Mr. RAKER. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 12, line 6, after the word "court," strike out the words "of the United States."

Mr. RAKER. As the statute now stands, these affidavits can not be used in any State court.

Mr. McLAUGHLIN of Michigan. Why should they be, and how under any circumstances under this act can suit be brought except in the United States court?

Mr. RAKER. I know of many instances in which these affidavits could be used in the State courts. I call the gentleman's attention specifically to the fact that they might be used in the first cases that are commenced. A man violates the provisions of this act, and it is a felony. He can be bound over by a magistrate in a State court to await proceedings before a grand jury. That being the case, these affidavits could not be used.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. BLANTON. Has the distinguished lawyer representing California ever seen a justice of the peace or foreman of a grand jury yet who would not admit any kind of testimony that bore even remotely upon the case?

Mr. RAKER. Oh, yes.

Mr. BLANTON. I have never seen any. They admit everything.

Mr. RAKER. I have seen brainy men who were justices of the peace, and they have gone on up to the supreme court of their State, and some of them have even come to Congress from other States than California. There are many brainy, brilliant men on the grand jury, and the gentleman's suggestion does not apply. It does not go before the local grand jury; but a man who violates this statute, as in the case of a violation of any other Federal statute, can be proceeded against in the State courts before a magistrate for the purpose of binding him over to the Federal grand jury. Now, all I want to do is to make this section applicable, so when you go before the magistrate's court the testimony will be admissible and usable before that court, so that the man may be legitimately bound over. There is no reason why you should confine it and say it is admissible only in the United States courts, when it ought to be admissible in any court because other rights might grow out of it. Section 1014, United States Revised Statutes, provides the remedy to follow. The following letter from the Attorney General of the United States fully explains what can be done in such cases under section 1014 supra. The letter reads as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., June 11, 1918.

Hon. JOHN E. RAKER,

House of Representatives, Washington, D. C.

SIR: This department has the honor to acknowledge the receipt of your letter of June 5, 1918, respecting the arrest and preliminary examination by State and county magistrates of persons accused of crimes against the sabotage and espionage laws.

Section 1014 of the United States Revised Statutes provides, in part, as follows:

"For any crime or offense against the United States the offender may, by any justice, or judge of the United States, or by any commissioner of a circuit court to take bail, or by any chancellor, judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate, of any State where he may be found, and agreeable to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by law has cognizance of the offense."

Under the foregoing provision of section 1014 of the Revised Statutes there would seem to be no doubt of the power of the State or county peace officers to arrest persons committing Federal crimes according to the practice of the State wherein the offender is apprehended and of the judicial officers described in the statute to hold such persons to answer for the crime of which they are accused for the proper Federal court.

Respectfully,

JOHN LORD O'BRIEN,
Special Assistant to the Attorney General.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I appreciate what it means for me to differ with the distinguished gentleman from California on a legal proposition; but if a justice of the peace has authority to bind a man over to the Federal grand jury I know nothing of any State law or procedure that will permit it.

Mr. RAKER. Will the gentleman yield for a question?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. RAKER. While district attorney I appeared in proceedings where at least half a dozen men were bound over to the Federal court before the committing magistrate of my county, and those men were afterwards indicted and tried and convicted, and the law is to-day that a magistrate in a State can hear the case for the purpose of binding the man over to await the action of the Federal grand jury.

Mr. McLAUGHLIN of Michigan. Is that a Federal statute?

Mr. RAKER. Yes; a Federal statute.

Mr. IGOE. He can admit him to bail.

Mr. RAKER. Certainly, he can take bail, and order him to appear, and so forth, under section 1014, United States Revised Statutes.

Mr. McLAUGHLIN of Michigan. This was framed with the idea that these matters are entirely in charge of Federal officials, and that actions will be brought in the Federal courts; and, in my judgment, if a man is charged with violating this statute the first proceeding will be before a United States commissioner and not before a justice of the peace.

Mr. GARD. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GARD. Is it not the procedure of which the gentleman from California [Mr. RAKER] erroneously spoke—and I use the word "erroneously" with the utmost respect—that you can not bind a man over from a justice of the peace in a State to a Federal grand jury, but you can require him to give bond

to appear before a United States commissioner? There is no binding over to the Federal grand jury by a justice of the peace.

Mr. McLAUGHLIN of Michigan. Perhaps I am not entirely familiar with the proceeding, but I feel confident that there is no binding over to a Federal grand jury by a magistrate acting under State law. I believe the section should stand as it is.

Mr. SANDERS of Indiana. There was one thing that occurred to me, and that is whether a United States commissioner would be a court within the meaning of this section. Of course, when a United States commissioner hears these cases he hears them upon evidence, but it is my recollection that the Supreme Court has held that a commissioner is not a court.

Mr. ANDERSON. Mr. Chairman, if the gentleman will permit, I should like to suggest an amendment which it seems to me would cure the objection of everybody. That is, to strike out the words, in line 6, "any court of the United States" and insert "any proceeding under this act," so that it will read:

Shall, when offered for use in any proceeding under this act, have like force and effect.

The CHAIRMAN. Does the gentleman offer that as a substitute?

Mr. ANDERSON. I offer that as a substitute for the amendment of the gentleman from California if I may have the floor for that purpose.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON as a substitute for the amendment of Mr. RAKER: In line 6, on page 12, strike out the words "any court of the United States" and insert in lieu thereof the words "any proceeding under this act."

Mr. McLAUGHLIN of Michigan. Why not insert those words in addition?

Mr. ANDERSON. Acting upon the suggestion of the gentleman from Michigan, I ask to modify my amendment so as to leave in the bill the words "any court of the United States" and insert prior to that "any proceeding under this act or in."

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment. Is there objection?

Mr. DOWELL. Reserving the right to object, what does the amendment suggested by the gentleman add to the amendment? Are not the United States courts included, without adding those words? When the amendment provides for use in any proceeding it also includes any court proceeding.

Mr. ANDERSON. I think so.

Mr. DOWELL. Then, why should those words be added?

Mr. ANDERSON. I did that in deference to the suggestion of the gentleman from Michigan [Mr. McLAUGHLIN], who wanted to make it doubly sure. I do not see any harm in doing it in that way.

Mr. McLAUGHLIN of Michigan. It is suggested that there are proceedings before a United States commissioner, and that a United States commissioner's tribunal is not a court.

Mr. DOWELL. That is the purpose of the gentleman's amendment, to include the commissioner.

Mr. McLAUGHLIN of Michigan. Yes.

Mr. DOWELL. But in his amendment he puts all proceedings, which includes the commissioner as well as the court. I can see no reason why you should add language that is absolute surplusage.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota to modify his amendment?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON as a substitute for the amendment offered by Mr. RAKER: Page 12, line 6, before the word "any," insert "any proceeding under this act or in."

The CHAIRMAN. The question is on agreeing to the substitute.

The substitute was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

Sec. 19. That, for the enforcement of this act, the Secretary of Agriculture:

(1) Is authorized to prescribe and promulgate such regulations as may be necessary;

(2) May cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and

(3) Shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law,

and make such expenditure for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, traveling expenses, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere. All employees shall be appointed in accordance with the civil-service laws and regulations.

Mr. RUBEY. Mr. Chairman, I offer an amendment to page 13 to strike out all after the word "elsewhere" in line 3, and lines 4 and 5.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 3, after the word "elsewhere" strike out the balance of the line and lines 4 and 5.

Mr. RUBEY. Mr. Chairman, I think these words got in there in an involuntary way. I called the attention of the committee to the language and tried to induce them to strike it out, and so I am going to move on the floor of the House to strike it out. The words are as follows:

All employees shall be appointed in accordance with the civil-service laws and regulations.

Mr. HAUGEN. That is the usual provision.

Mr. RUBEY. It occurred to me that by the optimistic way in which that side of the House is proceeding, they might want to get rid of this provision later.

Mr. HAUGEN. Mr. Chairman, I do not think it is necessary to discuss this question.

Mr. ELSTON. Mr. Chairman, I would like to be heard in opposition to the amendment.

Mr. HAUGEN. Everybody knows the arguments on both sides.

Mr. ELSTON. Yes; this matter has been discussed in Congress for 50 years, and I do not think the employees should be open to the spoils system.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. RUBEY) there were 7 ayes and 21 noes.

So the amendment was lost.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 16, after the word "necessary" insert "provided that there shall be no punishment by imprisonment for the violation of any such regulations."

Mr. SANDERS of Indiana. Mr. Chairman, it will be noticed in section 19 there is this general provision, which is very sweeping:

That for the enforcement of this act the Secretary of Agriculture is authorized to prescribe and promulgate such regulations as may be necessary.

This is a general authorization to the Secretary of Agriculture to prescribe regulations, and a roving commission to him to cover any territory he wants to. The theory is that notwithstanding the provision concerning regulations in section 13 is limited to specific sections, and only provides for punishment for violation of regulations under sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 18, this is probably an authorization for additional regulations under these sections. I think it ought to be made clear that it is not the purpose of this House to undertake to delegate its powers to enact criminal laws to any department. I realize that the department must have the right to issue regulations, but I do not think we ought to put it in the power of any department to issue a regulation which does not become a part of the public law and is merely, perhaps, promulgated in such a way as not to reach all the people, and then punish by imprisonment anyone violating the regulation.

I think we ought not to put it in the power of a Cabinet officer to issue regulations and then provide that any American citizen who violates such regulations shall be put in the penitentiary.

Mr. CONNALLY. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. CONNALLY. I can not quite follow the gentleman's logic. He is willing to fine him but is not willing to imprison him. Why should you punish a man at all for violating regulations?

Mr. SANDERS of Indiana. If the gentleman from Texas will offer an amendment that no punishment shall be inflicted for the violations of the regulations I will support it. The reason I offered it in this form was that I hoped the committee would adopt the amendment. I was afraid that if I offered it in the shape that no punishment should be inflicted for a violation of the regulations they would be afraid that the regulations would not be enforced.

Mr. ANDERSON. And if the gentleman will permit, he would have some reason to suppose that the regulations would not be complied with?

Mr. SANDERS of Indiana. Not at all; we have regulations in the departments all the time that are being complied with. This is an unusual procedure, and until a few years ago it was of doubtful validity to delegate the power to somebody else outside of the Congress of the United States to really pass legislation which is of a criminal nature providing punishment for crime. It is an old rule of criminal law, well recognized in the decisions of United States courts, that the law must be definite and certain, so that every one may know beforehand when he is violating the provisions. Now, we do not write the provisions in here, the violation of which shall be punished, but we grant the department head the right by printed regulations to enact legislation the violation of which will lead to punishment.

Mr. DEWALT. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. DEWALT. I suppose the gentleman from Indiana will agree with me in saying that all criminal statutes must be strictly construed?

Mr. SANDERS of Indiana. Yes.

Mr. DEWALT. Starting with that as a basis, is it not true that whatever regulations the Secretary might make, unless such regulation or violation thereof was an infraction of the provisions of this statute and punishable by fine or imprisonment under this statute, there could be no fine or imprisonment whatever for a violation of the regulations?

Mr. SANDERS of Indiana. I do not at all agree with the gentleman's construction which he has just announced. It has been held that the law may have certain provisions, the violation of those provisions may be a criminal offense under the terms of the act, and the same act may grant authority to make regulations concerning the same subject matter and make a violation of the regulations a crime just the same as the terms of the provision; and that is what this amounts to.

Mr. DEWALT. Where in the act does it say any regulation that is made by the Secretary of the Treasury a violation of which shall be punished by fine or imprisonment?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. I ask for two more minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DEWALT. That is what that provides, only as to the particular section.

Mr. SANDERS of Indiana. I think it might be a very reasonable construction, that because there are no regulations provided in this section, the power to enact regulations covers the scope of all the sections enumerated in section 13.

Mr. JONES of Pennsylvania. If the amendment of the gentleman should prevail, then there is a regulation made under the power given under section 13. Could a violation of that regulation be enforced if the amendment prevails?

Mr. SANDERS of Indiana. It would subject the person who violates the regulations to a fine.

Mr. JONES of Pennsylvania. But no imprisonment?

Mr. SANDERS of Indiana. But no imprisonment. I think it is a dangerous thing, gentlemen, for Members of this Congress to let some Cabinet member prescribe regulations, when it is out of our power to control the regulations, and provide that a man may be sent to the penitentiary for a violation of a regulation that is not yet in existence.

Mr. ROSE. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. ROSE. I just rose to say I thoroughly agree with the statement made by the gentleman from Pennsylvania [Mr. DEWALT]. Now, in taking up section 19 does the gentleman contend that the Secretary of Agriculture can make any rules or regulations contrary to the acts of Congress upon this subject?

Mr. SANDERS of Indiana. No.

Mr. ROSE. Is not the gentleman from Pennsylvania precisely right in what he says that we need to have no fear about this first clause of section 19?

Mr. SANDERS of Indiana. He can not make anything contrary to the provisions of the section, but he can make regulations additional to deal with every subject of legislation under this act, and he can make all sorts of regulations.

Mr. GARD. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. GARD. I gather from what the gentleman said that doubtless his purpose is good. But I can not follow the logic of the gentleman's argument that a man may be subject to a fine but not subject to imprisonment. There can be no such differentiation in punishment, in my opinion. I desire to call attention to what I think may remedy the situation. In section 13, line 8, it provides that regulations prescribed thereunder refer to certain sections. Now, there is no regulation, as the gentleman has well said; no statutory regulation prescribed.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GARD. I ask that the gentleman be given three additional minutes for the purpose of answering my question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARD. My suggestion is, after the words "any regulations prescribed thereunder," to insert the words "by the Secretary of Agriculture," which would then, in my opinion, carry out the meaning of the section and the regulations under the section, and also what I would deem to be the law as stated by the gentleman from Pennsylvania [Mr. DEWALT].

Mr. SANDERS of Indiana. I did not quite catch the gentleman's suggestion.

Mr. GARD. Under section 13 I call attention that there are no regulations prescribed thereunder. As a matter of fact, there are none.

Mr. SANDERS of Indiana. Unless prescribed—

Mr. GARD. Unless prescribed by the Secretary of Agriculture. Why not put that in section 13?

Mr. SANDERS of Indiana. We can not return to section 13 except by unanimous consent.

Mr. GARD. It can be done by action of the committee for the purpose of correcting section 13 and clarify the situation.

Mr. McLAUGHLIN of Michigan. If the regulations are prescribed by the Secretary to carry out section 13, they are prescribed under section 13.

Mr. SANDERS of Indiana. Let me ask the gentleman: Does the gentleman claim that a violation of regulations under this section 19 subjects the person who has violated them to punishment?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. SANDERS of Indiana. Fine and imprisonment?

Mr. McLAUGHLIN of Michigan. Fine and imprisonment.

Mr. SANDERS of Indiana. And gives general leeway to the Secretary of Agriculture to make regulations dealing with all this cold-storage subject?

Mr. McLAUGHLIN of Michigan. Every regulation must be entirely in keeping with the section under which it is made.

Mr. SANDERS of Indiana. It must be in keeping with it. That is, it must not be in contravention of the terms of the act. There is nothing to prevent the Secretary of Agriculture from making additional regulations for the violation of any section that might penalize a person for a violation of something that was intended to be made directory only, and a violation of that is here made the subject of penalty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. I think this certainly ought to be adopted.

Mr. DEWALT. Mr. Chairman, I do not want to belabor this argument, but it seems to me that a brief explanation of the position taken by the gentleman from Indiana [Mr. SANDERS] will show both its fallacy and inexpediency. Reading section 13, it provides:

That any person who violates any provision of sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, or 18 of this act, or any regulations prescribed thereunder, shall, upon conviction thereof, be punished by a fine not exceeding \$1,000 or imprisoned for not more than one year, or both.

Regulations prescribed under what? Under the particular sections.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. SANDERS of Indiana. But there are no regulations under those sections.

Mr. DEWALT. I will get to that.

Now, for the enforcement of these particular sections thus enumerated there are contemplated regulations, and those regulations are to be made by the Secretary of Agriculture. Now, when those regulations are thus made by the provisions of this very act, they become a portion of the act itself in contemplation, and the act provides a penalty of what? A penalty not exceeding \$1,000 fine or imprisonment of not more than one year, or both, leaving it entirely in the discretion of the court as to how little or how much that punishment shall be. Now, if these regulations are necessary for the enforcement of these specific provisions, of course anybody who disobeys them ought to be punished. Provisions 3, 4, 5, 6, 7, and 8, and so forth, would, in fact, be nugatory. Is not that so?

Mr. SANDERS of Indiana. I do not think so.

Mr. DEWALT. How would you enforce them unless there were regulations to enforce them?

Mr. SANDERS of Indiana. The act specifies certain things to be done, and says it shall be unlawful if they shall not be done. The section that provides the penalty says that the failure to do those things shall subject one to a penalty.

Mr. DEWALT. Very well. The fear of the gentleman is this, that the Secretary of Agriculture by his regulatory process would designate something in the way of regulation, compelling the Government or the authorities to punish a man for something which would not be punishable? Is not that so?

Mr. SANDERS of Indiana. Yes; and the additional fear that the Secretary might make some regulations which we as Congress would not make, and penalize a person for violating; and yet we give him carte blanche to do it here.

Mr. DEWALT. But the gentleman must remember that every regulation that is made by the Secretary of Agriculture must be consistent with the purposes and tenor of this act.

Mr. SANDERS of Indiana. But, of course, they will be additional to the specific provisions of this act.

Mr. DEWALT. I grant you that.

Mr. SANDERS of Indiana. We may deal with the little details and make some little requirements which we would not think the violation of should be punished.

Mr. DEWALT. I think the fear is far-fetched.

Mr. SANDERS of Indiana. The fear I have is that we are going to establish a precedent, and I think this is a very vicious one. We are going to establish the precedent of delegating to somebody else the power to say when citizens of the United States shall be punished by imprisonment.

Mr. DEWALT. If the gentleman will come back to the basic idea that every criminal statute must be strictly construed, and, secondly, any such construction must be in favor of the defendant, then he will come to the other proposition, that no regulation can be made by the Secretary of Agriculture that is inconsistent with the provisions of this act.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Indiana [Mr. SANDERS].

The question was taken, and the amendment was rejected.

Mr. SIEGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SIEGEL: Page 13, line 5, after the word "regulations," strike out the period and insert "but preference shall be given to those who served in the Army or Navy during the late war."

Mr. SIEGEL. Mr. Chairman, I do not think that amendment requires any discussion. It simply provides that those who served in the late war—

Mr. HAUGEN. Mr. Chairman, the committee will accept that amendment.

Mr. BLANTON. Mr. Chairman, I would like to ask the gentleman from New York if he would accept an amendment to include the marines?

Mr. SIEGEL. The marine service is a part of the Navy.

Mr. BLANTON. It is a quasi naval service, both Army and Navy.

Mr. SIEGEL. The amendment reads "Army or Navy," and the Navy includes the marines.

Mr. BLANTON. It can be construed as a separate branch of the service, too, and to be sure we include them I offer an amendment to add after the word "Navy" the words "and marine service."

The CHAIRMAN. The gentleman from Texas offers an amendment to the amendment, which the Clerk will report.

Mr. SIEGEL. If the gentleman uses the words "marine service," it will also include the United States Treasury service, and we do not want that.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON to the amendment offered by Mr. SIEGEL: After the word "Navy" insert the words "or marines."

Mr. GARD. Mr. Chairman, I desire to offer a substitute in the following language:

Strike out the period after the word "regulations" on line 5, page 13, and continue, "but preference shall be given to honorably discharged soldiers, sailors, and marines of the United States."

The CHAIRMAN. Is that a substitute for the original amendment?

Mr. GARD. It is a substitute for the Siegel amendment.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Page 13, line 5, after the word "regulations," strike out the period and insert a comma and add "but preference shall be given to honorably discharged soldiers, sailors, and marines of the United States."

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection? [After a pause] The Chair hears none.

Mr. ROGERS. Will the gentleman from Ohio [Mr. GARD] yield to a question?

Mr. BLANTON. The Gard substitute covers it.

Mr. ROGERS. Mr. Chairman, will the gentleman from Ohio yield for a question?

Mr. GARD. Yes.

Mr. ROGERS. Is it not a fact that there is already in the permanent law of the United States a provision giving preference to soldiers, sailors, and marines?

Mr. GARD. No. There is no such law as that, as I understand it.

Mr. ROGERS. My information is very clear that as a rider on an appropriation bill—I think the urgent deficiency appropriation bill—we established a direct preference for soldiers, sailors, and marines, not only of the late war but also those who served at any time in the service of the United States in any war.

Mr. GARD. That is the object of my substitute. It carries out the purpose of giving preference to all honorably discharged soldiers, sailors, and marines who have seen service in the Army or Navy of the United States.

Mr. ROGERS. I see no objection to enacting it all over again, but it is already in the law, as I understand it.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Ohio [Mr. GARD].

The substitute was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 20. That for the fiscal year ending June 30, 1920, the sum of \$50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of Agriculture, for administering the provisions of this act.

Mr. ASHBROOK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. ASHBROOK. I do so for the purpose of asking to have some resolutions read which were adopted by the American Legion Post, of Mansfield, Ohio, protesting against bonuses and pensions for soldiers of the Great War, and my reply thereto.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks by inserting the resolutions indicated. Is there objection?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, does the gentleman propose to have them read?

Mr. ASHBROOK. I think the House would be glad to have them read.

Mr. McLAUGHLIN of Michigan. I object to their being read.

The CHAIRMAN. Does the gentleman object to their being inserted in the Record?

Mr. McLAUGHLIN of Michigan. No.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 21. That this act shall take effect and be in force from and after its passage, but no penalty, fine, forfeiture, or imprisonment shall be enforced for any violation occurring within 90 days after its passage.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I do so to ask the members of the committee when this act would take effect if this language were not used, "That this act shall take effect and be in force from and after its passage"? It seems to me, Mr. Chairman, that the only necessary language in this section is, "No penalty, fine, forfeiture, or imprisonment shall be enforced for any violation occurring within 90 days after its passage." I would like to ask if there is any provision in any of the sections of the bill that would take effect at a period of time other than as stated in section 21?

Mr. MORGAN. No.

Mr. WALSH. Then I wondered why that language is used in the first part of the section, because all acts take effect from and after their approval.

Mr. HAUGEN. We wanted to limit that.

Mr. WALSH. But the gentleman seeks to have this act take effect from and after its passage, and not after its approval. Now, all acts take effect when they are approved. If you want to safeguard it in the interest of the people subject to the provisions of the act, so that they will not be proceeded against within 90 days after its passage, all right.

Mr. HAUGEN. There are acts that are not approved. They become a law after 10 days.

Mr. WALSH. Then the approval is by Congress by a two-thirds vote over the objections of the Executive. That has been construed many times.

Mr. HAUGEN. It is immaterial whether you use the word "passage" or "approval."

Mr. WALSH. Very well.

Mr. WHITE of Kansas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. WHITE of Kansas. Mr. Chairman, it is my purpose not to discuss this section or any particular section of this bill. Judging from the different viewpoints from which Members have considered this bill, or have understood it, considering the interpretations of it, it seems to me it is somewhat like the case referred to by the psalmist when he says, "I am fearfully and wonderfully made."

The profiteer is undoubtedly entitled to all the denunciation that an outraged and long-suffering public is directing against him. I can not say "God bless the profiteer" that sells a pair of shoes for \$18 for which he paid the wholesaler \$8, nor yet the profiteer that sells a bushel of potatoes for \$3.60 for which the producer received \$1.25, nor yet the retail butcher that sells a carcass cut up within 50 steps of the cold-storage room of the packer wholesaler for 80 to 100 per cent more than he paid that same packer. No; I can not say, "God bless him," as did the gentleman from Massachusetts [Mr. LUCE], and not being a profane man I am precluded from saying what I think. [Laughter.]

I will say that it is my candid opinion that if any system of distribution covering the movement of the commodity from the wholesaler to the consumer as efficient as that covering the movement from the producer to the wholesaler could be devised, it would result in cheapening the commodity to the consumer at least 10 per cent, and doubtless in many instances 20 or 30 per cent.

No one believes there is any efficiency or justice where the consumer pays the retailer a profit of 80 to 100 and in some cases 250 per cent advance over cost. And I will go further and say if such an efficient system of distribution as that to which I have referred could be devised and put into successful operation it could not be done without a well-organized system in which the overhead charges would be reduced to a minimum. It would be especially successful in the large cities. What then? Why, this: At once the cry would be that the great system had put the small dealer out of business, as it inevitably would do. Then at once this system would be assailed and denounced as a monopoly; a congressional investigation would be ordered; restrictive legislation would be enacted.

What has given the packer the monopoly that he now possesses? I answer, there are a number of reasons; and not for a moment denying that he has been guilty of culpable methods, of questionable practices, there yet remains the fact that the true answer is efficiency.

Why can not the Washington butcher compete with the packer? I do not believe the gentleman from Ohio [Mr. RICKETTS], while I admit the pertinence of his remarks, has given us the correct answer to the question. I undertake to say that the Washington butcher can not under existing conditions compete with the packer. In the first place, the live cattle are not contiguous to Washington. He is not equipped to slaughter them. Each butcher can not maintain a slaughterhouse to kill the cattle he requires for his trade.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Kansas. Yes.

Mr. KEARNS. I saw a statement of Swift & Co., published in one of the papers last week, giving the prices of meat delivered to the retailers here in Washington. One day it was 17 cents a pound.

Mr. WHITE of Kansas. It was \$17.05 a hundred.

Mr. KEARNS. On that same day at any of the distributing places or retail houses the cheapest part of that meat was 40 cents a pound and the highest price was 75 cents a pound.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. KEARNS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. WHITE of Kansas. I ask unanimous consent, Mr. Chairman, for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WHITE of Kansas. I am glad the gentleman from Ohio called that matter to my attention.

Mr. KEARNS. How does the gentleman explain the fact that the retailers here bought that meat at 17 cents a pound and the cheapest of it was sold to the consumer at 40 cents and the highest at 75 cents?

Mr. WHITE of Kansas. That is an average of 300 per cent for overhead charge.

Mr. KEARNS. The profiteers there were not Swift & Co. It was the Washington retailer of meats.

Mr. WHITE of Kansas. That is what I am telling this committee as I proceed.

There are 750 shops or stores that sell meats in Washington. There is only one way that the meat purveyors or retailers of this Capital City can be exempt from the necessity of patronizing the Chicago packer, and that is to erect a packing house here at Washington. And it could be that the new monopoly would be worse than the old.

Mr. BLANTON. Will the gentleman yield?

Mr. WHITE of Kansas. I yield to the gentleman from Texas.

Mr. BLANTON. Does not the distinguished gentleman from Kansas know that there is just one solution for this question, and that is for Congress to fix the maximum profit that any retailer can make on any given stuff sold in his establishment? Whenever we do that, then we have taken some step along the right line, and until we do that we are wasting our time and the people's time.

Mr. WHITE of Kansas. The gentleman from Texas may be right, but he could perform a greater service to the American people if he could carefully suggest the modus operandi by which that could be accomplished.

Mr. BLANTON. I have just suggested it, that we should pass a law to that effect.

Mr. WHITE of Kansas. That is some suggestion, and I will come to it if I have the time.

Efficiency has been the word in cheapening production. Make efficiency the word in distribution, and you will in a great measure have solved the problem of the high cost of living.

Now, the gentleman from Texas will note that I am discussing the subject so near to his heart. What kind of a howl would go up if the packers should set up a dozen shops in town, and announce that to-morrow morning they would begin the sale of all meats at a rate of 4 cents per pound above the wholesale price? Every one of 750 retailers of the city would be up in arms against the new innovation. The local butcher can not compete with the packer for another important reason and that is that the packer utilizes and gets much profit from many by-products, from which the local butcher gets nothing. This is a most interesting chapter, gentlemen, and I have not the time to take it up. But I do not love the packer.

What shall I say, that I hate him with perfect hatred and I count him as mine enemy. And why not hate him? Let us not do that thing that may bring evil upon ourselves. I certainly would not destroy his business, but would restrain him from exploiting the public.

When the packer sells, as he has sold, at the prices which the gentleman from Ohio [Mr. KEARNS] suggested, his responsibility ceases. The people of this city might organize like the labor unions do, and demand collective bargaining; there is no law that forbids it. It would be a commendable thing to do, a consummation devoutly to be wished. It would give the consumer much cheaper meat, and the 400 or 500 retailers whose occupation would be gone could go out and pick apples and chop wood. But I said, lest we bring evil upon ourselves; speaking for the live-stock growers, of whom I am one, and ultimately of the consumer who is the object of my collateral affection, the packer is the only market for millions of cattle; not always a good market, but always a market. It is important to the producer of cattle and swine that he shall have a stable market. I rather like that word, stability—stabilization. At the beginning of the war we were admonished to raise cattle, and we responded and raised cattle; and when the war suddenly collapsed, just one year sooner than almost anyone expected, we were told that the decimation of the European herds as a consequence of the war would hold up the price of cattle for at least two or three years to come. Well, you know the farmer is a sort of a confiding kind of man. He did not worry; but along about the 1st day of June of the present year the price of cattle on the markets began to drop, and then the live-stock producer began to worry; and the decline continued until last Monday morning, when the producer sat down and figured that on the 69,000,000 of live cattle that he owned he had suffered a loss in value of \$1,500,000,000. I repeat, \$1,500,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE of Kansas. Will the committee let me have five minutes more in which to conclude my remarks?

Mr. RUBEY. I ask unanimous consent that the gentleman may have five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Kansas may proceed for five minutes. Is there objection?

There was no objection.

Mr. YOUNG of Texas. Will the gentleman yield?

Mr. WHITE of Kansas. I yield to the gentleman from Texas.

Mr. YOUNG of Texas. As a result of the drop in the market some two weeks ago, when hogs dropped in one day \$5 a hundred pounds, and cattle have dropped in proportion, does the gentleman think that the consuming public are getting or will get any benefit of that drop?

Mr. WHITE of Kansas. That question will be answered in the course of my remarks, if the gentleman is willing to wait for the answer which I have prepared. I am dwelling upon this question rather analytically, and I appreciate the attention of the committee. Twenty-five cattle owners from Kansas came on here last week, representing the ownership of about 400,000 cattle, on which the loss per head is \$40 below the actual cost of production, or \$16,000,000 in the aggregate.

That is the statement of those gentlemen who came here to appear before the Agricultural Committees of the Senate and House—\$16,000,000 in the aggregate.

Now, the President's recommendation that we reduce the high cost of living and the statement of Mr. Hoover that there was large overproduction, and the country's confident expectation that the packers would be prosecuted, all seemed to fall with deadly effect upon the western cattlemen's stock in trade. And most pathetic, most sad to contemplate, if all reports are true, answering the gentleman's interrogation, the poor consumers reap little if any relief. I will pause here, gentlemen, to state that a résumé of the wholesale prices of dressed beef in this town, down here in the cooling rooms of the packers, shows a decline of approximately 7 cents per pound during the last five months, and should result in an approximate reduction, even on the basis of the high prices which the retailers have been charging, of from 12 to 15 cents per pound in the price of meat to the consumer.

Mr. RICKETTS. Do I understand the gentleman to say that the drop in the prices charged by the packers had come within the last week or 10 days?

Mr. WHITE of Kansas. No; the drop has been made in a period covering possibly 90 days. I have not the exact date.

Mr. RICKETTS. Does not the gentleman know that since we began consideration of the question of controlling cold storage, and since it has been discussed by Members generally for the last two or three months, the packers have gradually reduced, but prior to that time they had made no pretension of reducing? Now, can the gentleman explain why right now the packers have millions of pounds of all kinds of meat on hand that have been stored in their storehouses for the past two years, when the people all over this country are practically starving for a sufficient amount of meat to eat? Why do they not release that meat, if they want to be fair, and put it on the market?

Mr. WHITE of Kansas. I will answer the gentleman as best I can. In the first place, I do not admit the gentleman's statement. I think he is misinformed.

Mr. RICKETTS. If the gentleman will pardon me, the gentleman would be willing to take the statistics of the Bureau of Markets, would he not?

Mr. WHITE of Kansas. The statistics of the Bureau of Markets ought to be authentic.

Mr. RICKETTS. Those figures are my authority.

Mr. WHITE of Kansas. But a member of the Committee on Agriculture made the statement here which was unchallenged, I think possibly during the course of the remarks of the gentleman, that there was not in cold storage to-day a sufficient amount of beef to supply the demand of this country for more than six or seven days.

I want to state further in that regard that ex-Gov. Stubbs, of Kansas, made a statement either before the Secretary of Agriculture or before the committee, or both, that the packers had stated that they were not putting meats in cold storage. I do not admit the contention stated by the gentleman from Ohio, and with all kindness I think he is in error.

This condition can only have one present result, and that is to discourage the cattle industry. In proof that this result is now in process of operation, Gov. Stubbs stated when here a few days ago that four owners of ranches in Texas whose holdings aggregate 15,000 head were selling their entire herds. Another rancher told me that he was selling as stock calves on this market 150

calves from pure-bred cows that cost \$300 each. The decline has hit the whole bunch, from the wobbly calf to the venerable milk-producing bossie. All are involved in apparently inextricable ruin. And as a further result of this condition now developing there can not fail to ensue a great shortage of meat animals within the next three or four years, which may bring as pronounced an advance in prices as the present decline.

Now, my contention is that there is nothing as important to the cattle raiser as a stable market—a market free from violent fluctuations from day to day. The cattleman does not ask for any special privilege. It requires three to four years to produce a good beef animal. The profits that should be his as a reward for years of the most laborious toil should not be subject to the caprice of a market that by a sudden decline entirely obliterates his profits in the interim between the loading station and their destination.

I am for this bill because I believe to some extent that it will have the effect to stabilize the market for live cattle, and this is desirable from the standpoint of both the consumer's and the producer's interest. It will take away any excuse the packer may advance, as he has hitherto done, that he is prevented from storing meat through fear of prosecution for hoarding. If I may again revert to the ubiquitous high cost of living, I will simply say that we are getting along fine. There probably never was a period in the history of this country when all the people were as well fed, as well clothed, as well paid, as are we, the American people at this particular day and date. Any important reduction in the cost of living means, and must mean, a reduction all along the line; it not only means a reduction in the price of a loaf of bread and the price of meat but it also means a reduction in the price of the merchant's goods, of the manufacturer's profit, in the laborer's wages, and, what is more personal and more vital to every citizen, it will increase the value of the dollar with which we will have to pay the interest on the principal of our prodigious national debt. Will we all be happier when the prices of all the things we buy have gone down when we reflect that all the things that we have to sell are reduced in the same proportion and our fixed charges are paid in dollars much scarcer and dearer because requiring more to be given in exchange for them? [Applause.]

Mr. KEARNS. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, a few weeks ago the President of the United States appeared in this Chamber and told the people of the country that the second great cause of a universal distress was the high cost of living, and suggested this distress could be relieved greatly by the passage of some bill similar to the one before the House at this time. At least, this legislation is the outgrowth of the President's speech on that occasion.

This bill deals wholly with the packers of this country. I have only asked to trespass on the time of the committee now to emphasize the fact that in the opinion of the most pronounced proponents of this bill the people will not receive any relief from the high cost of living. If we are to believe the statistics that have been given to us during this debate, we will find that there is not any great considerable amount of food products in cold storage at this time.

I will read from the Bureau of Markets report, which is supposed to be somewhat authentic, or at least the most authentic data we can receive on this subject. I read from that report:

The number of eggs on the 1st of July of this year in cold storage in cases amounted to 7,508,530, a sufficient number of eggs to last the United States, if none were to be used for export purposes, 44 days.

We had in cold storage at that time 87,000,000 pounds of butter—not 1 pound for each man, woman, and child in the United States. Had all of that amount been taken out of cold storage and put on the market, it would have only lasted the consuming public 20 days.

Poultry in cold storage amounted to 48,000,000 pounds. If all the poultry had been taken out, there would have been scarcely more than one-third of a fowl for each inhabitant in the United States, a quantity sufficient if all had their proportionate share to supply the population of this country just one meal. And yet the President of the United States said if all this could be taken out of cold storage and put on the market it would relieve the high cost of living.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. KEARNS. Yes.

Mr. BLANTON. If it had been the purpose of the committee to carry out the suggestions made by the President of the United States in regard to this piece of legislation, then I want to ask why it is that the committee has insistently refused to permit any reduction in regard to the time concerning which

the commodities may be kept in cold storage? Every attempt to reduce the time has been thwarted by the committee.

Mr. KEARNS. I do not know what has been in the mind of the committee; I am only trying to draw attention of this Congress to the fact that if this bill is passed the people of the United States are going to be disappointed, because it is not going to give them the expected relief. Notwithstanding the impotency of this bill, I shall vote for it, because while it will be a disappointment it may do no harm.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KEARNS. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. The gentleman from Ohio asks that his time be extended five minutes. Is there objection?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, I want to say for the benefit of those who were not in the Chamber when I stated it before that the chairman of this committee and myself are members of the conference committee on the rent bill. That bill must be got through without delay if it is to be of any effect. We worked yesterday before the session of the House and last night until after 11 o'clock. We have a date at 3 o'clock this afternoon, and if we are to permit these features to be brought in in this way, no one can tell how long further consideration of the bill will consume. I regret very much that the gentleman from Ohio has asked permission to take time outside of the regular consideration of the bill. I do not know when during my service I have objected to the extension of time, but under the circumstances I think the gentleman ought not to ask for it.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GARD. Will the gentleman from Michigan yield for a question?

Mr. KEARNS. I have the floor now.

Mr. Chairman, in view of all the testimony that has been brought before this committee pertaining to this great question, I can not understand why the bill undertakes to deal with the cold-storage houses and then refuses to function further. It has been clearly shown that the fault is not with the packers. It has been demonstrated that the packer is putting upon the market, as far as the testimony in this case goes, goods at a reasonable price in comparison with the retail price.

I sometimes think that we as Members of Congress find it to our advantage at times to confine our quarreling and fussing and faultfinding to the large corporations of the country because there are so few voters connected with the great corporations in many districts.

But let us for the moment center our attention to the distributor of these products, to the man who is selling food products to the consumer, and we have evidence here as published in the various newspapers—and I will not say it positively, but I believe that statement was sworn to—that cold-storage beef put into the hands of the retailers in this city one day last week was at something less than 17 cents per pound, and yet the consumer who went to the various retail dealers to buy that beef—the cheapest part of it that he could buy was at the rate of 40 cents a pound and from that price it ranged up to as high as 75 cents a pound. In this instance it is not the fault of the packer; it is the fault of the man who distributed that meat to the consumer in the District of Columbia. [Applause.] He is the man who is at fault. If you go to any first-class hotel in this city and undertake to buy ready served a pound of this meat, there is not a Member on the floor of this House who will know whether his bill for that one pound of meat is going to be \$3 or \$6 when it reaches him. So that the fault of the high cost of living is not entirely traceable to the cold-storage houses, but it is found largely in the fact that the retailer of this country is charging as much as the traffic will bear, and men are becoming accustomed, the housewife has become accustomed—that when he or she goes to the store to purchase anything, as I say, they have become accustomed to paying any price that the retailer may demand. The retailer, as you well know, is tacking on his profits of anywhere from 50 to 500 per cent, and the people of this country are paying it. I heard a story told the other day by a man in this House who lives up in Maine. There was an old Indian whom he called "Indian John," who was in the habit each spring or summer of picking berries and bringing them down to the housewives of the town and selling them. He had always been getting anywhere from 8 to 10 cents a quart, but this year he charged 38 cents, and some good housewife asked him why the increase in the price. The Indian replied, "Helly big damn war somewhere." That is the reason we are charged, and that is the reason the retailers of this country are

robbing the purchasing public, because there has been "A helly big damn war somewhere," and the men and women of this country are paying the bill. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PADGETT. Mr. Chairman, I rise in opposition to the last motion. Mr. Chairman, there has been a good deal of discussion on the question of the high cost of living and some gentlemen who have recently spoken have been referring to the question of percentages. Looking at it from the viewpoint of the consumer, I think I may illustrate the question of percentage and profiteering and get a good idea of the definition of percentage by a little incident that I heard not long ago. It was said that there was a church bazaar, and a young lady in there had a little article that she called to a man present and said, "I want you to tell me what percentage of profit I have made. Here is an article that cost me 10 cents and I have sold it for \$10. What is the percentage of profit?" He said, "Miss, that has passed out of percentage into larceny." [Laughter.] And from the viewpoint of the consumer that is the way with the percentage of these profiteers—it is no longer percentage, it is larceny. [Applause.]

The Clerk read as follows:

Sec. 23. That if any provision of this act or the application of such provision to certain circumstances be held unconstitutional, the remainder of the act and the application of such provision to circumstances other than those as to which it is held unconstitutional shall not be affected thereby.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARD: On page 13, line 18, after the word "act," strike out "or the application of such provision to certain circumstances" and insert in lieu thereof the following: "or any regulation thereunder as prescribed and formulated by the Secretary of Agriculture."

Mr. GARD. Mr. Chairman, I call the attention of the membership to this amendment and the subsequent amendment which I shall offer, embracing practically the same thing. The object of this amendment is to effect the provisions of the bill and the regulations thereunder as prescribed by the Secretary of Agriculture. The language as now appears in the bill relates to the application of such provision to certain circumstances being made unconstitutional. I suggest that is not a very apt phrase of legal legislation—the application of certain provisions to certain circumstances—since the matter to be held unconstitutional must be provisions of the bill or the regulations prescribed under the provisions of the bill, and without desiring to take any unnecessary time in argument, I call the attention of the membership of the committee to this, and I really believe this language should be adopted.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. GARD. I have another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GARD: Page 13, line 20, after the word "act," strike out the words "the application of such provision to circumstances other than those as to which it" and insert in lieu thereof the following: "or any such regulation other than that held unconstitutional."

Mr. GARD. Mr. Chairman, I would ask the chairman of the committee whether this amendment is not a proper amendment?

Mr. WALSH. It is not, because it is in unparliamentary language for one reason.

Mr. GARD. The gentleman from Massachusetts suggests—

Mr. HAUGEN. I prefer the gentleman to explain his amendment; I am not clear whether it should be done.

Mr. GARD. I did explain it the time before. It is stated in parliamentary and legislative language. It is something which I believe is necessary to be done. In other words, you have section 23 applying to certain circumstances to be held unconstitutional.

Mr. ANDERSON. No; it is the application of the law. It is the circumstances that are held unconstitutional.

Mr. GARD. The application of such provisions to circumstances to be held unconstitutional. In other words, to confine the declaration to certain circumstances taken in connection with the application and the application of the law making it unconstitutional.

What I intend to say is, to strike out this relation to "certain circumstances" and put in "regulations prescribed by the Secretary of Agriculture." So, then, you would determine the question of constitutionality or unconstitutionality upon the question of provision and of regulation. I submit that is correct.

Mr. BLACK. Why put in the provision as to the regulations that the Secretary may issue? I do not recall any provision of that kind that Congress has ever passed.

Mr. GARD. Under this law the only authority for the prescribing of regulations is vested in the Secretary of Agriculture, in section 19.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. GARD].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. BLANTON. Division, Mr. Chairman.

The committee divided; and there were—yeas 24, noes 48.

So the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I believe we passed two sections yesterday, and I ask that we return to them.

The CHAIRMAN. The Clerk will report the first amendment, which is an amendment offered by the gentleman from Virginia [Mr. SAUNDERS] yesterday.

Mr. SAUNDERS of Virginia. We are under section 14 now. I will let that go, Mr. Chairman. I have not the amendment here.

The CHAIRMAN. The next is section 14. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by the committee: Page 8, line 18, strike out all of section 14 and insert in lieu thereof the following:

"Sec. 14. That in construing or administering the provisions of this act, or any regulation thereof, whenever any person subject to the provisions of this act, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such person, who alone with any other person shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be in violation of any provision of this act, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be guilty of such violation."

Mr. HAUGEN. Mr. Chairman, as under section 14 any individual, partnership, or association would be liable for the acts of a person acting for him or under him, this amendment would make them liable. That is, if it is willingly done, it would hold the agent, and directors, and officers of the organizations responsible.

Mr. WALSH. Does the gentleman accept the amendment?

Mr. HAUGEN. I offered it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HAUGEN].

Mr. SAUNDERS of Virginia. Mr. Chairman, that is a very complicated amendment. I want to call the attention of the committee to several things in connection with it, even if the amendment should be adopted. It certainly requires a change in its language. Now, I do not think the committee intended to use the word "thereof." It says "that in construing or administering the provisions of this act, or any regulation thereof." It does not refer to any regulation of the act. You must mean thereunder.

Mr. HAUGEN. Yes. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Certainly.

Mr. HAUGEN. This is a copy of the railroad-rate act, and "issued thereunder" should be substituted for "thereof." I accept the amendment.

Mr. SAUNDERS of Virginia. I suggest then an amendment by using the words "issued thereunder" for the word "thereof."

The CHAIRMAN. The gentleman from Virginia offers an amendment to the amendment, which the Clerk will report.

Mr. SAUNDERS of Virginia. I do not know exactly how it would appear according to the numbering of the lines of the amendment at the desk. It is in the second line of the copy I have of the amendment where the word "thereof" appears. It seems to me it ought to be stricken out and the words "issued thereunder" inserted in lieu of it.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amendment to the amendment offered by Mr. SAUNDERS of Virginia: In the second line of the amendment strike out the word "thereof" and insert in lieu thereof the words "issued thereunder," so that as amended the lines will read "that in construing or administering the provisions of this act or any regulation issued thereunder."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Virginia.

The amendment to the amendment was agreed to.

Mr. SAUNDERS of Virginia. Now, Mr. Chairman, about two-thirds of the way down in the amendment it reads as follows:

Or permit any act, matter, or thing so directed or required by this act to be done.

I do not see that the word "so" is appropriate in that connection at all, because there has been no reference to that before. They use the word "so" further down, when it comes in in an entirely proper manner. But what does the word "so" in that connection refer to?

Mr. ANDERSON. The language in the act from which this was copied reads, I will say to the gentleman:

Things so directed or required by this act to be done not to be so done.

Mr. SAUNDERS of Virginia. When you say, "any act, matter, or thing in this act required to be done," I do not think the word "so" in that connection refers to anything in the section. I can not relate it to anything that precedes it.

Mr. ANDERSON. The section just previously referred to matters or things in the act required to be done. Then it says, "who shall willfully fail or omit to do anything so required to be done shall be guilty of a violation."

Mr. SAUNDERS of Virginia. Mr. Chairman, I move to strike out that word, because I do not find anything in the section that it relates to or is connected with. In the next line, where it is required by this act to be done or not to be so done, in that connection it is, of course, appropriate.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amendment offered by Mr. SAUNDERS of Virginia: In the fourth line from the last of the amendment strike out the word "so."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SAUNDERS of Virginia. Now in the concluding sentence it is intended, it seems to me, to establish an offense against those who do or fail to do all these numerous things. I will read it in this connection to show that it fails to do that:

Shall be guilty of an infraction of this act or shall aid or abet therein, shall be guilty of such violation.

What violation?

Mr. ANDERSON. Violation of the act.

Mr. SAUNDERS of Virginia. You say "of such violation." There is no violation referred to.

Mr. ANDERSON. I have an amendment at the desk which I think will relieve the gentleman's mind, if he will permit me to offer it.

Mr. SAUNDERS of Virginia. Certainly.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON to the committee amendment: Strike out "who," in line 6, and the words "shall be guilty of such violation," in the last line of the amendment, and insert in lieu of the matter stricken out in the last line the following: "such director, officer, receiver, trustee, lessee, agent, or person acting for or employed by such person shall, as well as such person, be guilty of such violation."

Mr. ANDERSON. Mr. Chairman, I do not care to discuss the matter.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the original amendment as amended.

Mr. GARD. Mr. Chairman, I desire to offer an amendment. The amendment has been offered so lately that I can not identify it by line, but I offer an amendment to strike out the phrase in that amendment "alone or with any other person."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio. Would the gentleman indicate where the amendment should go?

Mr. GARD. It is on about the fifth or sixth line, after the words "person who." Then follow with the words "alone or with any other person."

The Clerk read as follows:

Amendment offered by Mr. GARD: Strike out from the sixth line of the committee amendment the words "alone or with any other person."

Mr. GARD. Mr. Chairman, I submit to the gentlemen of the Committee on Agriculture that these words "alone or with any other person" have no legal meaning. The language of the section is complete when you provide for the construing of the law and enforcement of the penalty against "any such person who shall willfully do or cause to be done," and so forth, and these other words are without legal meaning.

Mr. HAUGEN. As I before stated, we followed the language of the act.

Mr. GARD. What act?

Mr. HAUGEN. The rate act.

Mr. GARD. We are not following the language of the rate act. We are supposed to be writing new, affirmative legislation.

Mr. HAUGEN. I can see no harm in striking it out, but we found it there, and I suggest that it remain in the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment as amended.

The amendment as amended was agreed to.

Mr. HAUGEN. That finishes the reading of the bill.

Mr. RUBEY. I want to call the attention of the chairman to this fact, that we passed over section 7, on page 5. It seems to me that the parliamentary situation would be such that it would be necessary to return to that section, having passed it over.

Mr. HAUGEN. We did return to it. The gentleman from Virginia withdrew his amendment.

Mr. WALSH. The gentleman from Virginia did not get unanimous consent to withdraw anything, and the section was not read.

Mr. HAUGEN. Then, I suggest that we either vote on the amendment or have it withdrawn.

The CHAIRMAN. The attention of the chairman of the committee was called to that, and the author of the amendment said he would not insist upon it.

Mr. WALSH. That does not relieve the committee.

Mr. ANDERSON. I submit, Mr. Chairman, that the amendment was not offered. The section was passed over in order that the amendment might be offered at a later time.

The CHAIRMAN. The gentleman from Virginia said he would not insist upon it.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I want about two minutes.

The CHAIRMAN. The gentleman from California moves to strike out the last word. Is there objection?

There was no objection.

Mr. RAKER. I simply want to correct the RECORD this morning, when the distinguished gentleman on the other side insisted on the statement that there was not any law whereby a State official, magistrate or otherwise, could arrest a man under a Federal statute.

I wish to call attention to section 1014 of the Revised Statutes of the United States and the construction thereof by the courts.

Mr. ANDERSON. I do not think anybody on this side said that a State officer could not arrest a man for an offense.

Mr. BLANTON. It was said that they could not bind him over.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HAUGEN. Mr. Chairman, I move that the Committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PURNELL. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. PURNELL. Yesterday we inserted an additional section "11 (a)." I think that is the number of it. I am not clear on the proposition as to whether the number of that section is to be incorporated in section 13 or not.

The CHAIRMAN. The Chair will state that that was offered as a new section, No. 12, and it will be necessary to correct the following section.

Mr. PURNELL. Section 13 provided that any person who violates any provision of sections 3, 4, 5, 6, 7, and 9 shall, upon conviction, and so forth, be punished. What I am asking is whether or not section 10 (a), the new section, has been incorporated?

Mr. WALSH. It was voted down.

Mr. PURNELL. Is that the understanding of the chairman of the committee?

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] moves that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HAUGEN. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The SPEAKER. The gentleman from Iowa moves the previous question on the bill and amendments to the final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

Mr. HAUGEN. I demand a separate vote on the Juul amendment.

The SPEAKER. The gentleman from Iowa demands a separate vote on the Juul amendment. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments in gross.

The other amendments were agreed to.

The SPEAKER. Without objection, the Clerk will report the Juul amendment.

The Clerk read as follows:

Amendment offered by Mr. JUUL: Page 7, line 25, after the word "particular," insert a new section, as follows:

"Sec. 12. Nor shall any person ship in commerce any poultry or game if the entrails of such poultry or game were not removed prior to the time of being received for cold storage."

The SPEAKER. The question is on agreeing to the amendment.

The question being taken,

The SPEAKER. The ayes seem to have it. The ayes have it, and the amendment is agreed to. The question is on the engrossment and third reading of the bill.

Mr. HAUGEN. Mr. Speaker, I ask for a division on the Juul amendment.

SEVERAL MEMBERS. Too late.

The SPEAKER. The Chair thinks it is too late. The Chair had put the question on the engrossment and third reading.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair is satisfied that there is no quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will notify absent Members. As many as are in favor of the passage of the bill will, as their names are called, answer "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 265, nays 4, answered "present" 1, not voting 157, as follows:

YEAS—265.

Alexander	Cramton	Hastings	Lee, Ga.
Almon	Crowther	Haugen	Leibach
Anderson	Cullen	Hawley	Linthicum
Andrews, Nebr.	Curry, Calif.	Hayden	Little
Ashbrook	Dale	Hays	Longman
Aswell	Dallinger	Hersey	Longworth
Ayres	Darrow	Hersman	Luhning
Babka	Davey	Hickey	McDuffie
Baer	Davis, Minn.	Hicks	McGlennon
Barbour	Davis, Tenn.	Hill	McLane
Begg	Demison	Hoch	McLaughlin, Mich.
Benham	Dewalt	Holland	MacCrate
Black	Dickinson, Mo.	Houghton	Madden
Blackmon	Dickinson, Iowa	Huddleston	Magee
Bland, Ind.	Dominick	Hudspeth	Mansfield
Bland, Va.	Doremus	Hullings	Mapes
Blanton	Doughton	Hull, Tenn.	Martin
Boles	Dowell	Humphreys	Michener
Bowers	Dunbar	Hutchinson	Minahan, N. J.
Box	Dupré	Igoe	Monahan, Wis.
Brand	Eagle	James	Mondell
Briggs	Echols	Jeffers	Montague
Brinson	Edmonds	Johnson, Ky.	Moon
Brooks, Ill.	Elliott	Johnson, Miss.	Mooney
Browne	Elston	Johnson, S. Dak.	Moore, Ohio
Browning	Evans, Mont.	Johnson, Wash.	Moore, Va.
Brumbaugh	Fairfield	Jones, Pa.	Morgan
Buchanan	Fess	Jones, Tex.	Mott
Burdick	Fitzgerald	Juul	Nelson, Mo.
Burrighs	Fordney	Kearns	Nelson, Wis.
Byrnes, S. C.	Foster	Keller	Newton, Minn.
Byrns, Tenn.	Freeman	Kelly, Pa.	Nichols, Mich.
Campbell, Kans.	French	Kennedy, R. I.	O'Connor
Campbell, Pa.	Gallivan	Kless	Ogden
Candler	Gandy	Kincheloe	Oldfield
Cannon	Gard	King	Oliver
Cantrill	Garner	Kinkaid	Osborne
Caraway	Garrett	Kitchin	Oversstreet
Carsa	Goodall	Kieczka	Padgett
Carter	Gould	Kraus	Park
Chindblom	Graham, Ill.	Lampert	Parrish
Christopherson	Green, Iowa	Langley	Pell
Clark, Mo.	Greene, Mass.	Lanham	Platt
Cleary	Griest	Lankford	Pou
Coady	Griffin	Larsen	Purnell
Cole	Hadley	Layton	Quin
Collier	Hardy, Colo.	Lazaro	Radcliffe
Cooper	Hardy, Tex.	Lea, Calif.	Raker

Ramsey	Sanders, N. Y.	Summers, Wash.	Watson, Va.
Ramseyer	Saunders, Va.	Sweet	Webster
Randall, Calif.	Scott	Swope	Wellington
Randall, Wis.	Sears	Taylor, Colo.	Welty
Reed, N. Y.	Siegel	Temple	Whaley
Reed, W. Va.	Sinnott	Thomas	Wheeler
Ricketts	Slemp	Tillman	White, Kans.
Robinson, N. C.	Small	Timberlake	Williams
Robison, Ky.	Smith, Idaho	Tincher	Wilson, Ill.
Rodenberg	Smith, Mich.	Tinkham	Wilson, La.
Rogers	Smithwick	Towner	Wilson, Pa.
Romjue	Steagall	Upshaw	Woods, Va.
Rose	Stedman	Venable	Woodyard
Rouse	Steele	Vestal	Yates
Rowe	Steenerson	Vinson	Young, N. Dak.
Rubey	Stephens, Miss.	Voigt	Young, Tex.
Rucker	Stevenson	Walters	
Sanders, Ind.	Strong, Kans.	Wason	
Sanders, La.	Strong, Pa.	Watkins	

NAYS—4.

Connally	Evans, Nev.	Luce	Walsh
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ANSWERED "PRESENT"—1.

Booher.

NOT VOTING—157.

Ackerman	Frear	McKenzie	Sabath
Andrews, Md.	Fuller, Ill.	McKeown	Sanford
Anthony	Fuller, Mass.	McKiniry	Schall
Bacharach	Gallagher	McKinley	Scully
Bankhead	Ganly	McLaughlin, Nebr.	Sells
Barkley	Garland	McPherson	Sherwood
Bee	Glynn	MacGregor	Shreve
Bell	Godwin, N. C.	Major	Sims
Benson	Goldfogle	Maher	Sinclair
Bland, Mo.	Good	Mann	Sisson
Britten	Goodwin, Ark.	Mason	Smith, Ill.
Brooks, Pa.	Goodykoontz	Mays	Smith, N. Y.
Burke	Graham, Pa.	Mead	Snell
Butler	Greene, Vt.	Merritt	Snyder
Caldwell	Hamill	Miller	Stephens, Ohio
Carew	Hamilton	Moore, Pa.	Stiness
Casey	Harrison	Moore, Ind.	Sullivan
Clark, Fla.	Haskell	Morris	Summers, Tex.
Classon	Hedlin	Mudd	Taylor, Ark.
Copley	Hernandez	Murphy	Taylor, Penn.
Costello	Howard	Neely	Thompson
Crago	Hull, Iowa	Newton, Mo.	Tilson
Crisp	Husted	Nicholls, S. C.	Treadway
Currie, Mich.	Ireland	Nolan	Valle
Dempsey	Jacoway	O'Connell	Vare
Dent	Johnston, N. Y.	Olney	Volstead
Donovan	Kahn	Palge	Ward
Dooling	Kelley, Mich.	Parker	Watson, Pa.
Drane	Kendall	Peters	Weaver
Dunn	Kennedy, Iowa	Phelan	Webb
Dyer	Kettner	Porter	White, Me.
Eagan	Kreider	Rainey, H. T.	Wingo
Ellsworth	LaGuardia	Rainey, J. W.	Winslow
Emerson	Leshner	Rayburn	Wise
Esch	Lufkin	Reavis	Wood, Ind.
Ferris	McAndrews	Reber	Wright
Fields	McArthur	Rhodes	Zihlman
Fisher	McClintic	Riddick	
Flood	McCulloch	Riordan	
Focht	McFadden	Rowan	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.
 Mr. SHREVE with Mr. MCANDREWS.
 Mr. MCARTHUR with Mr. SISSON.
 Mr. MCPHERSON with Mr. MAJOR.
 Mr. TREADWAY with Mr. BOOHER.
 Mr. TAYLOR of Tennessee with Mr. MEAD.
 Mr. HASKELL with Mr. MCCLINTIC.
 Mr. NEWTON of Missouri with Mr. CASEY.
 Mr. KENNEDY of Iowa with Mr. HOWARD.
 Mr. DEMPSEY with Mr. SHERWOOD.
 Mr. PETERS with Mr. BLAND of Missouri.
 Mr. VOLSTEAD with Mr. FIELDS.
 Mr. WARD with Mr. FERRIS.
 Mr. HULL of Iowa with Mr. LESHNER.
 Mr. SELLS with Mr. BANKHEAD.
 Mr. SMITH of Illinois with Mr. PHELAN.
 Mr. WATSON of Pennsylvania with Mr. EAGLE.
 Mr. WHITE of Maine with Mr. DRANE.
 Mr. COPLEY with Mr. SUMNERS of Texas.
 Mr. BURKE with Mr. WEAVER.
 Mr. BUTLER with Mr. TAYLOR of Arkansas.
 Mr. TILSON with Mr. MAYS.
 Mr. STEPHENS of Ohio with Mr. NICHOLLS of South Carolina.
 Mr. ACKERMAN with Mr. WRIGHT.
 Mr. ANTHONY with Mr. WISE.
 Mr. BACHARACH with Mr. WINGO.
 Mr. IRELAND with Mr. KETTNER.
 Mr. SNELL with Mr. OLNEY.
 Mr. KREIDER with Mr. HEFLIN.
 Mr. WINSLOW with Mr. DOOLING.
 Mr. FULLER of Massachusetts with Mr. RIORDAN.

Mr. GREENE of Vermont with Mr. MCKINIRY.
 Mr. HAMILTON with Mr. MCKEOWN.
 Mr. COSTELLO with Mr. SULLIVAN.
 Mr. KAHN with Mr. DENT.
 Mr. DUNN with Mr. SCULLY.
 Mr. MOORE of Pennsylvania with Mr. GALLAGHER.
 Mr. MORIN with Mr. CRISP.
 Mr. MUDD with Mr. CLARK of Florida.
 Mr. CRAGO with Mr. SMITH of New York.
 Mr. VAILE with Mr. FLOOD.
 Mr. MCFADDEN with Mr. HARRISON.
 Mr. MCKENZIE with Mr. HAMIL.
 Mr. PORTER with Mr. BENSON.
 Mr. MERRITT with Mr. GANLY.
 Mr. SNYDER with Mr. O'CONNELL.
 Mr. MCKINLEY with Mr. GOODWIN of Arkansas.
 Mr. McLAUGHLIN of Nebraska with Mr. GOLDFOGLE.
 Mr. GARLAND with Mr. RAYBURN.
 Mr. CURRIE of Michigan with Mr. SIMS.
 Mr. MANN with Mr. GODWIN of North Carolina.
 Mr. VARE with Mr. FISHER.
 Mr. WOOD of Indiana with Mr. DONOVAN.
 Mr. GOOD with Mr. JOHN W. RAINEY.
 Mr. GRAHAM of Pennsylvania with Mr. MAHER.
 Mr. NOLAN with Mr. CAREW.
 Mr. FREAR with Mr. SABATH.
 Mr. FULLER of Illinois with Mr. ROWAN.
 Mr. KELLEY of Michigan with Mr. JOHNSTON of New York.
 Mr. KENDALL with Mr. JACOWAY.
 Mr. REAVIS with Mr. BEE.
 Mr. GLYNN with Mr. HENRY T. RAINEY.
 Mr. SANFORD with Mr. BARKLEY.
 Mr. BROOKS of Pennsylvania with Mr. WEBB.
 Mr. STINESS with Mr. NEELY.
 Mr. PAIGE with Mr. CALDWELL.
 The result of the vote was announced as above recorded.
 On motion of Mr. ANDERSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PORTER, indefinitely, on account of the serious illness of Mrs. Porter.

To Mr. DONOVAN, indefinitely, on account of committee work with the War Expenditure Committee.

To Mr. GOODYKOONTZ, indefinitely, on account of sickness.

OPERATION OF TRANSPORTATION BUSINESS.

Mr. WEBSTER. Mr. Speaker, at the request of the managers on the part of the House I present a conference report on the bill S. 641, an act to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, for printing under the rule.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19; and agree to the same.

JOHN J. ESCH,

E. L. HAMILTON,

Managers on the part of the House.

ALBERT B. CUMMINS,

ROBERT M. LA FOLLETTE,

Managers on the part of the Senate.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for three minutes. Is there objection?

Mr. WALSH. Reserving the right to object, what is it about?
Mr. CLARK of Missouri. To give you some information about the origin of cold storage, a great historical fact.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, I think the debate that has just closed on cold storage is one of the most futile that ever took place in the House of Representatives. I do not think the subject of cold storage should be permitted to pass out of the House without everybody knowing or having their memories refreshed as to who invented it. It was Lord Bacon, who possessed the most powerful brain ever housed in a human skull, and if these beef packers and fruit packers had any gratitude, they would put up a monument to him as high as Washington's.

When he was a very old man, driven from power, disgraced, one snowy day he was traveling along a road in a gig and this idea of preserving fresh meat by the use of ice popped into his head. He got down, bought a chicken, killed it, and stuffed it with snow with his own hands. He was old and feeble, and it caused him to have a cold and a chill and he died in about three days. In the last letter he ever wrote he said, "My fingers are so stiff that I can hardly hold the pen, but the experiment of the fowl and the snow succeeded excellently well." [Applause.]

EXTENSION OF REMARKS.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all gentlemen in the House have three legislative days in which to extend their remarks in the Record on the bill just passed.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that all Members have three legislative days to extend their remarks in the Record on the bill just passed. Is there objection?

There was no objection.

DUTY ON MAGNESITE ORE.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5218. And pending that motion, I wish to ask the gentleman from North Carolina how much time he would like to have for general debate?

Mr. KITCHIN. How much time does the gentleman want on that side?

Mr. FORDNEY. I have application for three hours and a half.

Mr. KITCHIN. We do not want more than an hour and a half on this side. Are you going to limit it to the bill?

Mr. FORDNEY. No; I think not. There are a few who want to talk upon other matters.

Mr. KITCHIN. I think in the interest of time we ought not to have more than two hours on a side.

Mr. FORDNEY. I have requests for three hours and a half on this side.

Mr. KITCHIN. I am so anxious to facilitate legislation on these measures that I am willing to cut out these speeches on our side on extraneous matters if the gentleman from Michigan is willing to do it as far as his side is concerned, and let us get down to business.

Mr. FORDNEY. I will talk about nothing else except the bill.

Mr. KITCHIN. Can not we let them have 30 minutes on a side on extraneous matters?

Mr. FORDNEY. I will say 50 minutes on this side. I have a request for that time, but I do not know what the gentleman wants to talk about.

Mr. KITCHIN. Make it two hours and a half on a side, and if necessary at the end of that time we will make other arrangements.

Mr. FORDNEY. We can let it run along with the understanding that at the end of five hours we can agree on closing general debate. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina may control one half the time and I control the other half.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the gentleman from North Carolina control one half the time and the gentleman from Michigan the other half. Is there objection?

There was no objection.

The motion of Mr. FORDNEY was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. ANDERSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5218, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufacture thereof in the United States.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman, I yield 25 minutes to the gentleman from Washington [Mr. HADLEY]. [Applause.]

Mr. HADLEY. Mr. Chairman, as indicated by the reading of the title, this bill contemplates a tariff on importations of various classes of magnesite, crude and manufactured. In order to understand the actual necessities which are controlling in the presentation of the bill it is necessary to have some general knowledge of the history and environment of the magnesite industry. I desire to say at the outset, for the information of any who may not be fully informed regarding it, that the term "magnesite" is entirely distinguishable from manganese. To-day some one brought to my attention the fact that some gentlemen have been under the impression that this bill relates to the subject of manganese. The fact is that it has no relation whatever to that subject. Manganese, as I understand it, is used as an alloy in the manufacture of steel and enters into the necessary constituency of the product. Magnesite is used for lining metallurgical furnaces and is not an alloy at all. There is no relation between the two subjects. Perhaps the scientific definition of magnesite should be stated. It is somewhat technical, and I will present the statement as contained in the hearings as made by the Bureau of Mines, or by the representative of that bureau, which is as follows:

The mineral magnesite ($MgCO_3$) is a carbonate of metallic magnesium and is a nonmetallic mineral about three times as heavy as water. One of its most notable qualities is its refractoriness; that is, resistance to high temperatures without fusion. There are two varieties, the crystalline and the amorphous. Both are found in the United States, the former in Stevens County, Wash., and the latter in many parts of California.

When calcined or burned, carbonic acid or carbon dioxide gas (CO_2) is driven off and the oxide of magnesium (MgO), which is also known in the trade as magnesite, is left. The latter substance is unquestionably the best material for lining open-hearth steel furnaces, and 90 per cent and possibly more is used for this and other refractory purposes, as in electric furnace linings and in copper and lead furnaces. The crystalline variety appears to be particularly well adapted to this use.

Magnesite is also mixed with various other ingredients, among which are wood, flour, cork, asbestos, silica, talc, coloring material, and magnesium chloride, and used in the form of Sorel cement in the plastic-flooring trade.

It is estimated by the several bureaus which appeared before the committee—and I might say that testimony was adduced upon the part of the Tariff Commission, the Bureau of Mines, and Geological Survey—that there is an available quantity in sight in the United States of 8,000,000 tons of this commodity. Of course there is no accurate or certain knowledge as to the scope and extent of these deposits further than that they have been measured, so far as those in sight are concerned, by taking their dimensions in the different localities where the deposits are found. It is believed and stated by the several bureaus that it is their view that other deposits will be located, and these deposits which have been defined probably have not been fully measured, since in the original exploratory work the depths ascertained and drill holes have not revealed it all. Prior to the war we produced very little magnesite in the United States, indeed. There had been a small amount produced for a number of years, but as late as 1913, the year immediately preceding that in which the European war began, the domestic production was only 9,632 tons. In 1917 we produced 316,000 tons. As the war came into full swing in Europe the demand increased here and the foreign supply was cut off. Increased production was noticeable at once, rising year by year, I think, to some thirty thousand and odd tons in 1915, and in 1916 to 154,000 tons in round numbers; and, as I said, in 1917, at the peak of production, to as much as 316,000 tons. Before the war we produced about 3 per cent of our present requirement in this country. At the close of the war we produced all of our requirement. The testimony of everyone who has appeared before the committee on the point has indicated that the requirements of the country were not only fully met in time of war but that the domestic supply is ample and adequate to meet the requirements in time of peace or war.

When we entered the war in 1917 the foreign importation was cut off. Prior to the war we had relied almost entirely upon Austria for our supply of magnesite. As indicated in the definition read, and in other testimony at the hearings, this is

an absolute essential for refractory purposes in the manufacture of steel and other metals requiring the lining of metallurgical furnaces. Therefore, when the war came and it was necessary to speed the production and manufacture of steel, it became vitally necessary to increase the production of magnesite. We had not produced it for refractory purposes. Immediately a call went out to the country, to the far West, where known deposits were, for production. They had no machinery, they had no adequate mills, no kilns, but they provided such facilities as they could, equipped the known mines, and began to produce and ship the raw material to the East, at first, where it was calcined at the brickmaking establishments on the eastern coast. The bricks were furnished in due course to the steel producers or manufacturers. By and by some of the western producers were able to secure kilns of their own. There were some upright kilns, and later some secured the rotary kilns, and gradually they began to produce dead-burned magnesite in required amounts until in the last analysis they met fully the demands of the steel-manufacturing trade. And so, during the war, this industry gradually developed into a self-sustaining position so long as the importations were cut off, but it is anticipated that as soon as normal conditions are restored those importations will come again. Ninety-six per cent of the material used in the United States before the war was imported, and of that 95 per cent was imported from Austria. The Austrian supply will be due to arrive again the moment normal conditions obtain in this country and in the world; and the testimony is conclusive before the committee that the producers of this country can not compete without protection with the importations from Austria.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. SMITH of Michigan. What duty, if any, did it carry before the war or does it carry now?

Mr. HADLEY. There was no duty; it was on the free list, except an ad valorem duty on the brick of which I will speak, the manufactured brick, but the crude material and calcined material carry no duty under existing law.

Now, the American producers not only learned how to produce the material but they learned how to make a good quality of material. Some question was raised at the hearings as to the quality of the material, whether it was as good as that produced in Austria. It appeared that the Austrian product has a composition of iron. They learned that the deposits in Washington contained substantially the identical elements that were found in the Austrian material.

The magnesite deposit in Washington was unknown as such before the war. When they called upon the West for material, prospectors were sent out, and they lined the hills and mountains of the West and discovered this deposit in the State of Washington, which before had been used as building material—used as limestone. It developed that it is a first-class quality of magnesite, and it was mined, manufactured, and used all through the war for refractory purposes. It also developed that it possessed slightly less iron than the Austrian product, and, having learned that, they developed the process of mixing an additional quantity of iron with the material in the process of burning, so that it became the equivalent of the Austrian product.

In that respect it is similar to the development of the cement industry. It will be remembered that for many, many years we depended upon England and Germany for our source of supply of Portland cement. We had a little knowledge of the natural cement rock in three or four States of this country, but it could not compete with the foreign cement. Although the same elements were in the rock as in the foreign material, they had not ascertained a process by which to manufacture the same class of cement as that from abroad. By and by they developed that process, and a protective tariff was placed on imported cement, with the result that instead of a production of 7,000,000 barrels in the year 1890, before we had the tariff, in 1917 we produced more than 90,000,000 barrels. While the production has gone up, the importations have ceased, and as the production has increased the prices have fallen. It is an analogous situation to the one that is presented here. Western producers have learned how, by the synthetic process, to amalgamate the iron with the raw material so as to produce a first-class quality of magnesite, and are able to-day to compete as to quality with any magnesite that is produced in the world.

Now, the great quantities in California are not all of that class. There are two mines in California that produce ferromagnesite, containing the iron. The same quality of material is produced in Austria. There are two in Washington. There are others in California that produce a class of material that is susceptible, upon the mixing of the iron, of combination into the same class of material as the natural ferromagnesite. That

is substantiated by a statement contained in a pamphlet just issued on the 16th of this month on the mineral resources of the United States, 1918, Department of the Interior, United States Geological Survey. I read from the bulletin, on page 146:

Two properties in the State, one in Napa County and one in Sonoma County, have natural ferromagnesite ore, which has been found satisfactory to use in refractory products, such as furnace lining and bricks. Magnesite from other California mines has been used for the same products by adding a small quantity of iron. California magnesite, as a rule, is preferred over Washington magnesite for plastic uses, because it burns whiter.

Now, on page 150, this publication states:

During the last three years a very large part of the California magnesite has been used for refractory purposes, and it is worthy of note that the entire output of the White Rock mine in Napa County, the largest producer in the State in 1918, is used by the Pacific coast steel plants in their basic open-hearth and electric furnaces. The Refractory Magnesite Co.'s mine at Preston likewise yielded a natural ferromagnesite which was made into refractory brick at Stockton and used by smelters in California and Utah. The natural ferromagnesite of these two mines has made California a reputation for magnesite suitable for refractory as well as for plastic purposes. Whether the amorphous magnesite of California and the crystalline magnesite of Washington are equally suitable for refractory uses, in spite of claims for each, is a question which has arisen, but, so far as the survey knows, has not been answered with incontrovertible evidence. From the little evidence in hand it would seem that technically they may be of equal value and that choice between them is based on results of calcination, difference in cost delivered to consumer, and time required for receipt of shipments.

I read that statement from the Geological Survey because at the hearings the impression was made to obtain to some extent that the California material was useful only for the purpose of the plastic trades and not for refractory purposes, and that therefore the company which had been producing it so extensively in Washington from the first-class material would be in a position to create and control a monopoly of the business.

Mr. YOUNG of North Dakota. Will my colleague state when that statement was made by the Geological Survey?

Mr. HADLEY. The statement I have just read?

Mr. YOUNG of North Dakota. Yes.

Mr. HADLEY. It is contained in a pamphlet entitled "Mineral Resources of the United States, 1918," published September 16, 1919.

Mr. YOUNG of North Dakota. Long enough afterwards—

Mr. HADLEY. Published two months after the hearings on this bill.

Mr. RAKER. Will the gentleman yield right there?

Mr. HADLEY. Certainly.

Mr. RAKER. What action has the Tariff Commission taken on the subject? Have they made a report to the Committee on Ways and Means from which the committee acted?

Mr. HADLEY. A representative of the Tariff Commission appeared before the committee, was there practically throughout the hearings, and testified fully. His testimony will be found in the hearings. I refer to Mr. Riddell, representing the commission.

Mr. RAKER. Did the entire Tariff Commission take the matter up and agree to this rate as specified in the bill?

Mr. HADLEY. They sent to the committee one representative, who testified before the committee. They did not testify as to the rates, if the gentleman is asking about that. They only testified upon the character of the material, the quantity and quality, and those matters concerning which they had compiled information.

Mr. RAKER. Did they also give evidence as to the cost of production abroad and the question of transportation across here?

Mr. HADLEY. So far as they had information. I will come to the cost of production.

Mr. RAKER. I do not want to interrupt the gentleman. I wanted to know if the committee had gone into it.

Mr. HADLEY. I want to speak further about this matter of quality, inasmuch as so many things have been said regarding the quality. I know that some circularization has occurred, and I think it would be proper to refer to some things that were inserted in the course of the hearings and some that were presented after the hearings.

In the course of the hearings Dr. Manning, of the Bureau of Mines, appeared on the 17th of July, and he introduced into the Record a letter in response to one that he had written to the largest brick manufacturer in the United States—that is, the largest manufacturer of magnesite brick—on the question of quality, and, among other things, it contains this statement—

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HADLEY. Mr. Chairman, I will have to ask for more time.

Mr. GREEN of Iowa. I yield to the gentleman five minutes. I would like to ask the Chairman if there is not some mistake

about the counting of the time. It does not seem to me that the gentleman has occupied 25 minutes.

Mr. HADLEY. I can not cover this subject in any such time as this. I will require at least 15 minutes.

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman 15 minutes.

The CHAIRMAN. The gentleman from Washington is recognized for 15 minutes.

Mr. HADLEY. It contains this statement as to the quality of the Washington magnesite as compared with Austrian magnesite:

As to the quality of the Washington magnesite in comparison with the Austrian magnesite, we have substituted it for the Austrian materials for every purpose for which we have used or sold the Austrian magnesite, either in the manufacture of steel, copper, or other metals. We believe it is impossible to make an exact comparison between the Washington and the Austrian magnesite, and can see no conclusive evidence that the Washington is inferior to the Austrian. Some of the largest consumers of magnesite for steel making have told us that the Washington magnesite as now produced is as good as the Austrian. Records made during the past few years can not be absolutely relied upon unless it is known precisely what material was used in the manufacture. Brick have only been manufactured exclusively from Washington magnesite since the middle of 1918, and there were considerable stocks of older material on hand to be worked up.

One statement, selecting merely one class from each class of persons interested, is found in the hearings in a letter addressed to Mr. FORDNEY, chairman of the committee, by the Metal & Thermit Corporation, of New York. Selecting a short extract from that statement, on page 208 of the hearings, I read as follows:

METAL & THERMIT CORPORATION,
New York, June 21, 1919.

Hon. JOSEPH W. FORDNEY,
Chairman Ways and Means Committee, Washington, D. C.

We consider the conditions under which we use magnesite to be severer than the conditions under which magnesite is used by the steel companies in their open-hearth furnaces, as in our process magnesite has to withstand a heat in excess of 5,000° F. and a severe wearing abrasive action due to the flow of steel and slag.

Previous to the war we used Austrian magnesite, and, as explained in our article, we had a great deal of trouble in the early part of the war to obtain a proper magnesite, but now frankly state that the domestic magnesite we now obtain and use is equal or superior to the Austrian magnesite which we used before the war.

This is brought to your attention so that you may know all the facts in reference to magnesite.

Yours, very truly,

METAL & THERMIT CORPORATION,
FRED W. COHEN,
Assistant General Manager.

Then inclosed is a statement to the same effect, appearing at page 209 of the hearings, which they published several months before this bill was introduced in a publication known as "Reactions." I might quote also from other communications received, not only from the steel men, but from the plastic trade and others interested in the question of quality, but the limited time I have at my disposal will not permit.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HADLEY. Yes.

Mr. CANNON. The gentleman was born, as I understand, in Park County, Ind., just adjacent to Fountain County?

Mr. HADLEY. Yes.

Mr. CANNON. Before the war it was said that over in Fountain County they had found a substance that would make brick that would bear with impunity a large amount of heat. They established a brickyard at my town of Danville, in Vermillion County, or near there, and shipped that product over to the brickyard. It did not do a great deal of good, but there was the plant, and during the war, my understanding is—although I can not speak exactly about it—that that brickyard turned out a large amount either of magnesite or of brick that was far superior to fire brick. But my understanding is—and I presume it is correct, although I never was at that brickyard—that since the war closed that brickyard has closed, and I think, if I recollect aright, that somebody in Pittsburgh who had a factory bought that brickyard and possibly owns it now. But I think it is not being operated. Does the gentleman know anything about the deposit of magnesite in Fountain County, Ind.?

Mr. HADLEY. I do not. The gentleman's statement, however, is very interesting.

Now, I spoke of the fact that some point had been raised as to whether there was a possibility of a monopoly, and when I have disposed of that point in a few words I will come to the consideration of the rates. The largest producer owns one-eighth of the total known deposits in the country, and one-eighth only, and this company has never produced to exceed more than approximately one-third of the output. In California a statement just issued in this publication, "Magnesite in 1918," by the Geological Survey, shows the production in 10

counties of that State. I have already referred to the extensive mining districts in that State. There were 65 producing companies in California in 1917, and this company to which reference has been made has no interest, as the record shows, in any producing mine in the State of California. A company that has only one-eighth of the raw material and has never produced to exceed more than one-third of the output, and is competing with many going concerns in the State of California when the conditions permit them to operate, has no opportunity to create or control a monopoly.

The bill as reported by the committee provides for three classes of rates: One-half cent a pound on commercial ore; three-fourths of a cent a pound on magnesite calcined, dead-burned and grain; and three-fourths of a cent a pound on magnesite brick and 10 per cent ad valorem. After very full hearings before the committee and thorough consideration in subsequent sessions, the committee reached the conclusion that these rates were necessary and for the time perhaps adequate, in its best judgment, for the protection of the industry.

Briefly, then, with respect to these classes of material, it costs on the average \$25.13 at the mines to produce the dead-burned material on the Pacific coast. It costs \$16.07 to transport it to the point of distribution on the eastern coast, or \$41.20 per ton delivered at the site of consumption and distribution.

I am speaking of dead-burned magnesite, and in order to classify the material more fully I may state that the raw material when burned down to the point where from 2 to 4 per cent of gas remains is then suitable for the plastic trade. If it be taken out and used for that purpose, it is plastic-trade material; but if it is desired to use it for a refractory purpose, it is further burned to the point of the expulsion of all the gas as nearly as possible, usually leaving perhaps about one-half of 1 per cent. But at that point it is known as dead-burned material. In its use for plastic purposes some gas must be retained, because it must be sufficiently active so that when combined with the liquid which is used in combination with it for flooring and plastic purposes generally it must have the gas sufficient for chemical action so as to combine properly and adhere or set. But when the gas is driven off as nearly as possible, it is then inert and inactive, and is called dead-burned magnesite.

So in the first classification of the bill we have the rate on the crude material. In the second we have the rate on the dead-burned or calcined magnesite, and in the third subdivision we have the rate on brick. The reason for providing the rate on brick in addition to the ad valorem rate is that a specific rate is necessary, because if we have a rate adequate upon the dead-burned material it will not be protected unless there is a sufficient rate upon imported brick. Otherwise they could manufacture the brick abroad, import it, break it up, and have dead-burned magnesite free, because the brick consists of nothing more nor less than dead-burned magnesite pressed together with water.

As to the comparative cost, we know the cost of producing the material in this country. Sworn statements of cost were filed with the committee by at least six of the producing companies, two in Washington and four in California. We also know what the prewar cost was at the Atlantic seaboard on the importation of Austrian magnesite. It was about \$16 a ton. Therefore if the present cost, transportation included, of domestic magnesite be compared with that of prewar Austrian magnesite at the Atlantic seaboard, the difference between \$41.20 and \$16 and some cents represents the differential which would be required if these standards of comparative cost were maintained after the war, or \$25 a ton. This bill was introduced upon the theory that the cost in Austria would fall to the point where in comparison with the large increase in wages that we have had in this country that differential would continue to obtain.

The committee were unable to secure a statement as to the exact foreign cost at this time. The House will appreciate the difficulty of securing information of that kind at present, but we do know that a quotation has been made on Austrian magnesite of \$26.50 on the dead-burned material at the Atlantic seaboard, and it costs \$41.20 to lay it down there from our western mines. That makes a differential at the moment of \$14.70, and the committee have recommended a tariff of \$15 a ton, which covers that difference. And yet the transportation rate of \$7.50 fixed by the Shipping Board for the emergency fleet vessels to carry returning ballast to this country from abroad is not the rate which is going to obtain in normal times. Transportation rates will be less, and this brings up the subject of freights. Some discussion arose in the course of the hearings as to whether freight should be properly included as an element of cost in a matter of this character. Upon that subject I desire

to make this statement. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. HADLEY. May my time be extended five minutes?

Mr. FORDNEY. Yes. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. HADLEY. The rates reported take into consideration in part only the element of freight as an item of cost. In the case of this essential war industry, if it should become necessary upon full developments as to costs, both here and abroad, to treat all domestic freight as an item of cost, I know of no sufficient reason why that should not be done. The material is on the Pacific coast. The chief points of consumption are on the Atlantic coast. Distribution must occur at the seat of manufacture. It must always be borne in mind that the industry in question is essential in peace and indispensable in war. The case presents a distinction between an essential war industry and an ordinary commercial peace-time industry. Whatever may be said of freight as an element of cost, as a general policy, that is beside the issue here. The question is national and not local. A sound and safe national policy demands that America be always self-reliant and independent with respect to war materials and war munitions. That premise seems too obvious to require comment or argument. Yet it is lamentably true that on the declaration of war against Germany the United States was practically dependent upon Germany's friend and ally, Austria, for this war mineral, and only a little later we found ourselves actually at war with Austria herself, a situation most deplorable and dangerous. To permit its recurrence is unthinkable. To maintain such a key industry every legitimate and necessary element of cost at the point of distribution and consumption should be included in determining the differential on which import duties are to be predicated. The differential in costs consists mainly in the difference in the amount paid for labor in the United States and in Austria, plus the difference in the cost of transportation. American labor receives an average of about 70 per cent of production cost and about 54 per cent of the amount paid for transportation. It would indeed be an ill return to the splendid record of our western producers if by any error now in measuring the necessary protection for the magnesite industry, to insure its survival, we should permit it to perish, throw out of employment hundreds of American laborers, destroy American war-time investments from which no profits have yet been withdrawn, send American money abroad to employ foreign labor, and rob American railroads of millions of dollars in freights.

Mr. RAKER. Mr. Chairman, will the gentleman yield? He is familiar with this subject and his statement is very instructive.

Mr. HADLEY. Just for a question. I have not much time left.

Mr. RAKER. What is the attitude of the eastern manufacturers in regard to this legislation?

Mr. HADLEY. I will predicate this statement upon the attitude of one brick manufacturer who owns a deposit of magnesite in Austria and who was operating there before the war. This manufacturer appeared before the committee and opposed the bill. Two or three competing manufacturers, larger than that one, I understand, did not appear and have not opposed the bill. So far as the steel companies are concerned, they have not appeared before the committee, so far as I have any recollection, and I have no knowledge that they are opposed to the bill. If they are, I do not know it.

If I had had time to detail it, I would have discussed the amount of freight for railroad transportation, \$3,000,000 annually during the war; and I would have gone into the amount invested in this industry, \$1,000,000 in one plant, \$1,000,000 in another, and \$1,500,000 in others, or \$3,500,000 in all.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. HADLEY. Yes; for a question.

Mr. TIMBERLAKE. I hope the gentleman from Washington will not hesitate to reply to interrogatories on account of lack of time. I believe he should be accorded full time to enlighten the House upon this measure.

Mr. HADLEY. I will be glad to do so, if I can get the time.

Mr. TIMBERLAKE. I recognize that in the time allotted to him he hesitates to yield. I think the chairman of the committee will be willing to assure the gentleman that he may have all the time he desires.

Mr. RAKER. If the gentleman will yield, I wish to say that in his replies to my questions he has been exceedingly kind, I thought a little bit more so than some others, because sometimes when gentlemen get the floor they will not yield for anything; but the gentleman from Washington has been very kind,

and has not only been ready to yield, but to give the House information. I compliment him upon his splendid attitude in relation to the matter.

Mr. HADLEY. I will be very glad to yield to any gentleman if I have the time.

Mr. BARBOUR. Will the gentleman yield for a question?

Mr. HADLEY. I yield to the gentleman.

Mr. BARBOUR. A little while ago the gentleman mentioned the cost of production in this country and in Austria, and he mentioned as one of the elements of the differential the difference in the cost of labor. Is the gentleman prepared to state to the House what is the difference in the labor cost? What are the prevailing wages of the miners and laborers on the Pacific coast in this country, and in Austria?

Mr. HADLEY. The going wages for a common laborer in the magnesite industry on the Pacific coast during the war was \$4 a day, and from that up to \$10 for skilled labor. It is \$4.50 to-day, having advanced 50 cents since the armistice. So far as the rate of wages in Austria is concerned the committee has no definite information upon the present going rate. They do know that the wages in Austria were not in any way comparable with the wages here before the war. The highest rate of wage that I heard mentioned in the testimony before the committee was suggested by a witness on behalf of the American Refractory Co., operating a mine in Austria, and it was stated that the wage was \$1.10 a day, while some statements indicated that it was 50 cents a day, and a less rate for women workers.

Mr. BARBOUR. Will the gentleman yield?

Mr. HADLEY. Yes.

Mr. BARBOUR. Is the gentleman familiar with the statement issued by the Bureau of Mines that where the wages were discussed that men employed in the magnesite mines got 40 and 50 cents, and the women 20 cents a day?

Mr. HADLEY. Current wages or prewar wages?

Mr. BARBOUR. Current wages; at the present time.

Mr. RAKER. One other question: As a matter of fact, with the rates now and for some time past there has been no importation of magnesite from Austria, has there?

Mr. HADLEY. None since prior to the war.

Mr. RAKER. From the hearings it appears that all the magnesite has to come through Flume, and Flume is in difficulty, is it not?

Mr. FORDNEY. In August there were 900 tons came in from Austria.

Mr. RAKER. Notwithstanding the war conditions?

Mr. FORDNEY. Yes.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HADLEY. I would like 10 minutes more.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes more to the gentleman from Washington.

Mr. OSBORNE. Will the gentleman yield?

Mr. HADLEY. Yes.

Mr. OSBORNE. Was it not brought out in the hearings that magnesite is brought back here as ballast in our ships that were sent over with food? They bring it back as ballast at nominal rates. That was brought out in the hearings.

Mr. RAKER. One other question: Through what method and what means are you able to secure information as to the cost of labor in Austria within the last four years? We want the facts.

Mr. HADLEY. I stated that the committee labored under difficulty in being able to secure information as to the current cost of production during the war in Austria. But we know what the cost was before the war, and we know a quotation has been made on magnesite at the Atlantic ports since our hearings which would require the differential of rates in this bill on dead burned magnesite to meet it. I am informed, upon information which I believe to be reliable but which I have not been able to verify, that rates much lower than the rates named by the Shipping Board have already been made for shipments to this country within the last month or two, and that a rate less than that named by the Shipping Board on magnesite is likely to be made if application is made for transportation.

Mr. RAKER. If the gentleman will permit, nobody wants to give any misinformation to the House or the country. I put the question if within the last two and a half years mining wages have not gone from \$2.50 to \$8 a day?

Mr. HADLEY. I have stated that the wages in the magnesite industry were from \$4 to \$10.

Mr. RAKER. Is it not fair to presume that wages in European countries have increased in proportion to the wages here, if not a great deal more?

Mr. HADLEY. I have no doubt that they have increased to some extent, but I do not believe that any country in which the

kronin has decreased in value from 20 cents to 2 cents—I do not believe that under that depreciated state of currency and under the conditions that the people of Austria were in during the war that the same relative standard of wages will obtain there that obtained here. In other words, that the increase can not be commensurate with the standard we have maintained here following the war.

Mr. FORDNEY. Will the gentleman permit me to answer?

Mr. HADLEY. Certainly.

Mr. FORDNEY. I have information on wages in Germany in the potash mines which was obtained in Germany within less than two months. It would be a fair presumption that wages paid in the magnesite mines in Austria-Hungary would bear some relation to those in the potash mines in Germany. In the potash mines in Germany the wages were 10 cents, or half a mark, an hour before the war. Based on the value of their mark now, which is greatly depreciated, there is a great increase, but on the basis of value of the gold dollar now the wages are 13 or 14 cents an hour where they were 10 and 12 before the war.

Mr. HADLEY. Now, gentlemen, I will finish my statement:

If there was no question of difference in labor costs involved, the fact would still remain that in the case of a cross-continent haul producers can not compete with ballast shipped in sailing vessels from trans-Atlantic ports. Nevertheless, when 90 per cent of the domestic production of magnesite is required for refractory purposes, for the trifling consideration of a few cents added to the cost of a ton of steel, America never should, and I do not believe she ever will, forfeit this heritage to Austria merely because nature has stationed this mineral resource on the shores of one ocean and the laws of trade her manufactories on the shores of another. Between them is one Nation and one people. Within that broad domain America will not penalize any section of this land or any domestic industry in favor of any foreign producers, foreign people, or foreign power.

Whether the magnesite industry of the United States can survive under the rates recommended by the committee time alone can certainly reveal, but there can be no reasonable doubt that without such relief upon return to normal conditions it must inevitably and immediately perish. The proposed duty will add but a few cents to the cost of a ton of steel. It is a matter of little consequence to the consumer. It is a question of great moment to the producer. But above all rises the paramount interest of the public in the perpetuity of a war industry essential to national preparedness for the purpose of national defense.

Practically the only substantial opposition to this bill was that interposed by the American Refractories Co., a domestic manufacturer of magnesite brick made before the war from material produced by its Austrian company, the Austro-American Magnesite Co., from its Austrian mines. It is a significant fact that none of its brick-manufacturing competitors offered any objection. The inability of this company to provide this country with raw material required for war purposes in time of war is a sufficient answer to its protest, which if given effect would now destroy the very industry on which, in common with our country, it relied in war, and would found upon its ruins a servile reliance upon its own Austrian source of supply.

All that the domestic producers ask is that they be sufficiently protected to meet foreign competition on equal, and not on prohibitive, terms. On the basis of such facts as it could ascertain and its best judgment as to future competitive conditions the committee has undertaken by the rates it reported to afford exactly that degree of protection, no more and no less. In the present circumstances it is obvious that a rate too low to insure such protection is the equivalent of no rate at all, and if adopted the calamity it is sought to avert would befall before it could be corrected.

It is the purpose of this bill to protect an American enterprise which furnished a product in time of war vitally essential to the very existence of our Government as against foreign importations which in time of peace supplied the trade and furnished the basis for splendid profits, but which in time of peril could not contribute in the slightest degree to the defense of the country. Such an enterprise has earned the right to live. The country can not afford to permit it to languish or perish. [Applause.]

I now yield to the gentleman from Pennsylvania.

Mr. ROSE. I notice that the gentleman is very anxious to have all the facts brought out before the committee to-day, and I have felt that in order that the committee may be advised as to some objections raised to this bill I would like to present to them a few comments made by Mr. Burke, a former Member of this House, and who is at present attorney for one of the refractory companies—

Mr. HADLEY. Will the gentleman kindly do that in his own time? I yielded for a question, not a statement.

Mr. ROSE. Since the gentleman is familiar with what Attorney Burke has said in the interest of his company, I would like to know what is the answer of the committee to the comments made by him at the hearing?

Mr. HADLEY. That is a general question, which would take another 15 minutes to answer. I will answer specific questions. Those questions will be covered by interrogation under general debate or under the five-minute rule.

Mr. RAKER. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. RAKER. The gentleman's contention is that during the war this material was short, and these people went out and spent their money in a pioneering way to develop this industry, and if these institutions are maintained in time of peace if we have trouble in the future we will have a supply on hand, because it is an absolute necessity in time of war as well as in time of peace?

Mr. HADLEY. That is the gist of the statement. The rates fixed in this bill are necessary to preserve it.

Mr. RAKER. The rates thus fixed will not create a monopoly, but will at the same time permit these western institutions who have put their money in it to maintain this as an American institution?

Mr. ROSE. That is the contention on one side, but it is denied on the other.

Mr. RAKER. I am asking the gentleman from Washington?

Mr. HADLEY. I will say in answer to the interpolation of the gentleman from Pennsylvania, it was denied by the people who were producing Austrian magnesite before the war and nobody else, so far as the record of these hearings are concerned. I do not blame them; they want to leave the field wide open after the war. As I say, I do not blame them for wanting to reenter without the competition here. I do not attribute any sinister purpose; I think they have the right to transact business on such terms if they can, but it is not—

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Just one minute.

Mr. FORDNEY. I yield the gentleman one minute.

Mr. RAKER. Then the gentleman's contention is that if this industry as it now exists was discontinued, we would have to go to foreign countries to get magnesite?

Mr. HADLEY. I have said that several times.

Mr. RAKER. I wanted to get it specifically in the Record.

Mr. WELLING. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. WELLING. Before the gentleman sits down will he state how much money is invested in this enterprise?

Mr. HADLEY. It is estimated at \$3,500,000—\$2,000,000 in the State of Washington and \$1,500,000 in the State of California. A million dollars in each of two plants in the State of Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. KITCHIN. Before the gentleman does that will he permit me to yield two minutes to the gentleman from Missouri [Mr. DICKINSON]?

Mr. FORDNEY. Certainly. I will withhold that until the gentleman can yield to the gentleman from Missouri.

Mr. DICKINSON of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks by printing a short clipping from a newspaper on cheap shoes for export.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record by printing a report on cheap shoes for export. Is there objection?

Mr. WALSH. Reserving the right to object, I did not understand the gentleman's request.

Mr. DICKINSON of Missouri. I did not hear the gentleman.

Mr. WALSH. What is the subject of the article?

Mr. DICKINSON of Missouri. The article is on cheap shoes for export.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DICKINSON of Missouri. Mr. Chairman, under the leave granted, I extend my remarks by printing in the Record a clipping from the *Urich Herald*, a newspaper published at Urich, Henry County, Mo., entitled "Cheap shoes for export."

CHEAP SHOES FOR EXPORT.

A day or two after the published threat of still another jump in the price of shoes an advertisement appeared in the *New York Journal of Commerce* of 300,000 pairs of men's arctics and 170,000 pairs of men's shoes "ready to ship at once direct from our own factories" for export at prices that excite curiosity. There were, for instance, 59,000 pairs of men's work shoes at \$3, "made two full soles, solid leather insoles and counter, solid lift heels." Other work shoes are offered at \$2.25, \$2.35, \$1.80, and \$2.50. The highest price quoted is \$5.75 a pair for "men's gun-metal calf high-grade shoes." The fair sex is not

forgotten; 2 of the 12 items provide it with kid shoes at \$3.25, and "welt oxford and high shoes" at \$1.75 a pair.

After all possible allowances are made for retail risk and profit there remains between these export prices and those the American public is forced to pay a gap too wide to be filled by any excuse of trade necessity. Taken in connection with increased profits reported by shoemaking firms to investors, the export figures suggest inescapable alternatives, remarks the New York World. Either these shoes are of a quality that will do American trade no good abroad or people at home are paying too much. (Mosby's Missouri Message.)

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Chairman, Postmaster General Burleson, in his communication to the Speaker of the House of Representatives, under date of September 24, seems to labor under the misapprehension that he need not furnish the House information it has by resolution requested him to furnish, because in his judgment the committee originally reporting the resolution to the House and recommending its consideration did not have jurisdiction. The Post Office Department, like any other governmental department, is responsible to Congress, which regulates the manner in which it shall function and appropriates the funds necessary. Congress may even go so far as to remove the head of this department if he is guilty of such malfeasance as to justify such condign punishment. And when upon the suggestion that the Postmaster General is guilty of maladministration the House orders him to furnish facts upon which it may base its judgment in the premises, it is his plain duty promptly to furnish them.

The House of Representatives writes its own rules and alone construes them. The Committee on Reform in the Civil Service is vested by those rules with jurisdiction over all matters dealing with reform, that is, change or improvement in the civil service. Its jurisdiction is not limited to the classified civil service. It deals with every employee of the Government who has the status of a civilian. Only the armed forces of the United States are excluded from its jurisdiction. Its jurisdiction embraces the appointment, qualifications, service, tenure, and removal of such civil employees. The Speaker most properly referred the resolution, when it was originally introduced, to this committee and the House acquiesced in the jurisdiction of the committee when it accepted its report. Even should there exist a difference of opinion regarding the jurisdiction of the Committee on Reform in the Civil Service originally and the determination of the House upon it, the action of the House nevertheless is final and the right of review is not vested in even so competent and impartial an authority as Postmaster General Burleson.

In this letter to the Speaker, by means of which Mr. Burleson seeks to camouflage his disobedience of the mandate of the House, he points out that all nominations made since the Executive order of March 31, 1917, have been made in compliance with the terms of that order. This has never been questioned. No one has suggested that he has submitted for appointment persons in direct defiance of the Executive order. The charge is that he has refused in very many instances to submit names in compliance with this order where such compliance would not coincide with his personal or political desires. He admits that there exists at the present time 786 vacancies in postmasterships of the presidential class, which apparently are left unfilled because of his unwillingness in that appalling number of cases to yield obedience to the President. While it was well known that in a number of cases vacancies have been unfilled for a year or more because of the Postmaster General's failure to coerce the Civil Service Commission to change its ratings in compliance with his desires, it was not believed that his contumacy and effrontery had developed to such astounding proportions that 786 of the most important post offices throughout the country are left without permanent appointees to administer them. He speaks of 466 of such cases being still in the hands of the Civil Service Commission. It will be interesting to note, should he eventually comply with the House resolution, how many of these cases are still in the hands of the Civil Service Commission because of reference by the Postmaster General on the ground that the original ratings were improper.

In my remarks of September 11 advocating the adoption of the resolution, I called attention to the situation in my home city, Newark, N. J., where a first-class post office, serving a population of 400,000, has remained without a permanent head since May 1, 1918, and where the Postmaster General refuses to submit the name of the highest eligible, notwithstanding the fact that the Civil Service Commission has definitively refused to change the rating at the insistence of the Post Office Department.

In the course of my remarks I quoted from the Acting Postmaster General's letter in so far as it was pertinent to the

matter at issue. He referred in this letter to the fact that Mr. Bock, the highest eligible, was formerly postmaster at Newark, having been appointed by President Taft, and during the early part of the first Wilson administration was recommended for removal by two post-office inspectors for undue political activity, which recommendation was approved by the chief inspector. In view of the fact that the Civil Service Commission reviewing this finding reversed it, acquitted Mr. Bock of this charge, and the Postmaster General permitted him to serve the three years of his term remaining, this vindication could not possibly lower his rating at the hands of the Civil Service Commission which had cleared him. I consequently deemed it unnecessary to becloud with it a clear-cut issue. Since the Postmaster General does not appreciate the consideration I showed him by my course, I have no longer any hesitancy in making public the facts of this episode. When the charge was lodged against Postmaster Bock two post-office inspectors were sent to Newark to make an investigation. They took statements of a number of people in the city of Newark; they thereupon falsified certain of the statements, and on the basis of the statements so falsified made their report, which received the formal approval of the chief inspector. When the papers were referred to the Civil Service Commission the suspicions of that body were aroused on the face of the case, and Mr. Doyle, of the commission, was sent to Newark to make a personal investigation. He discovered the fact that the statements of several persons had been altered and procured from them correct statements and also affidavits to the fact that the earlier statements had been falsified. Upon this showing the case against Postmaster Bock was dismissed. It is well to note that in this instance the Postmaster General did not press the Civil Service Commission for a reversal of its judgment, but permitted Postmaster Bock to serve without question the remaining three years of his term. However, one of the post-office inspectors guilty of falsifying the statements has since been promoted. [Applause.]

Mr. Chairman, I yield back whatever time may be remaining.

The CHAIRMAN. The gentleman yields back eight minutes.

Mr. FORDNEY. Does the gentleman from North Carolina desire to use any time now? If not, I yield 10 minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, speaking of the Postmaster General reminds me I have a little information from my district that I will be glad to furnish members of the committee. The large cities are not the only cities in which the Postmaster General and his organization are active. A town of 3,000 inhabitants in my district is one of the thrifty little cities of the country, and has, I think, for a Democratic postmaster the most efficient postmaster in the State. He took the post office at a time when it was rated as the second lowest grade in the State of Kansas, and he has builded it up until it is now rated as one of the best-kept post offices in the State. I have it from him and from others who are absolutely familiar with the fact that his removal from that office there in the last month is due to two things, and I think it very well to illustrate the way they are administering the civil service. First, the Democratic national committee, since his appointment as postmaster, has every two years assessed him \$250, and to be specific and definite as to how that assessment is handled they mailed a special-delivery letter to his house, special directions on the envelope, letter demanding the \$250.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. MOORE of Pennsylvania. What was this—a second-class post office?

Mr. TINCHER. Yes; a second-class post office.

Mr. MOORE of Pennsylvania. What is the compensation of the postmaster?

Mr. TINCHER. I do not know exactly. He did not tell me the figures.

Mr. MOORE of Pennsylvania. An assessment of \$250 is a very large percentage.

Mr. TINCHER. That is not the only assessment. I will tell you the other. He was also required to attend a meeting of the postmasters of that congressional district at Hutchinson, Kans., which is the largest city in the district, every year, and there he was notified by the Democratic national committee that he must pay 5 per cent of his salary to the campaign fund for the congressional candidate. And I want to say that this man I am talking about is honest, because I met him on the streets of his city and he was the only postmaster who was candid with me. He said to me, "I am going to violate the law, because I am going to do what little I can, without your catching me at it, for your opponent." He was candid enough to say that he was going to do that. That is the stripe of the man he is. And he did as he said he was going to do. But for some reason, like

the high cost of living, he tried the experiment of not paying his assessments. He did not pay the \$250 last year. He was removed, and I have had no knowledge from him until just a few days ago. As I said, he did not pay the 5 per cent, although the gentleman who was candidate for Congress wrote him and spoke plainly enough on that, and even wrote him after election and said, "I was defeated because people like you, occupying Government positions, failed to do your duty." That came from a then Member of this House, who has since gone into higher official life in this city. But the gentleman has been removed from the office of postmaster in his city. Not only that, but the distinguished gentleman who removed him has been to his town, and in spite of the examination that was held, and although the examination was a competitive one, announced who his successor was to be. This successor, when they sent a personal representative there and tried to straighten out these back dues, straightened them up, and is to have the post office.

I was inspired to say this by the speech that I have just listened to by the gentleman from New Jersey [Mr. LEHLBACH], a thing that may throw a little light on the way they are handling the civil-service proposition. [Applause.]

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ANDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States, and had come to no resolution thereon.

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned until Wednesday, October 1, 1919, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9004) granting a pension to Minnie M. Weeks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9332) granting an increase of pension to William E. McGee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9329) granting an increase of pension to Lafe Strickland; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 9623) prohibiting the issuance of papers of declaration of intention to become citizens or final papers of citizenship to certain aliens who claimed exemption from military service in the present war, and providing for deportation of certain aliens who surrendered their first papers of citizenship in order to escape military service; to the Committee on Immigration and Naturalization.

By Mr. CRAMTON: A bill (H. R. 9624) authorizing the Secretary of War to donate to the town of Otter Lake, Mich., two German cannons or fieldpieces; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9625) authorizing the Secretary of War to donate to the borough of Verona, in the State of Pennsylvania, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. MAPES (by request): A bill (H. R. 9626) to amend an act approved June 20, 1906, entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

By Mr. RANDALL of California: A bill (H. R. 9627) to control and conserve for irrigation, power, and other purposes the flood and flow waters of the Colorado River of the West, and for other purposes; to the Committee on Flood Control.

By Mr. EVANS of Montana: A bill (H. R. 9628) granting additional compensation to members of the military and naval forces of the United States who served in the war against Germany; to the Committee on Military Affairs.

By Mr. ROGERS: Resolution (H. Res. 315) for appointment of a select committee of the House to inquire into the operations and efficiency of the Federal Board for Vocational Education; to the Committee on Rules.

By Mr. SANDERS of Louisiana: Resolution (H. Res. 316) directing an investigation to determine the cause of the great differential between crude and refined cottonseed oil; to the Committee on Interstate and Foreign Commerce.

Also, resolution (H. Res. 317) directing an investigation to determine the cause of the great differential between crude and refined cottonseed oil; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLEARY: A bill (H. R. 9629) for the relief of the owner of the derrick *Concord*; to the Committee on Claims.

By Mr. CRAMTON: A bill (H. R. 9630) granting a pension to Jemima Grigg; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 9631) granting a pension to Maria L. Johnson; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 9632) granting a pension to Frank M. Wells; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 9633) granting a pension to Anna Bell Wyvill; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 9634) granting a pension to John Minahan, alias John Bagley; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 9635) granting a pension to Emma Crysler; to the Committee on Invalid Pensions.

By Mr. OLIVER: A bill (H. R. 9636) for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman and Henry Mills and as trustee for the heirs and devisees of Emanuel Loveman, deceased; to the Committee on Claims.

By Mr. RUCKER: A bill (H. R. 9637) granting an increase of pension to William B. Shearrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9638) granting an increase of pension to Malinda E. Glidewell; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 9639) granting a pension to Elizabeth Marlatt; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9640) granting a pension to Virginia A. Dixon; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKE: Petition of American Refractories Co., of Pittsburgh, Pa., protesting against the passage of the magnesite tariff bill; to the Committee on Ways and Means.

Also, petition of Neversink Dyeing Co., of Reading, Pa., favoring the passage of the Longworth bill; to the Committee on Ways and Means.

By Mr. CULLEN: Petition of Newport Branch, No. 7, National Association of United States Civil Service Employees at Navy Yards and Stations, for an immediate increase in clerical salaries of at least 40 per cent; to the Committee on Naval Affairs.

By Mr. DONOVAN: Petition of Fifteenth Regiment Infantry, New York Guard, favoring the legislation favored by the National Guard Association; to the Committee on Military Affairs.

By Mr. DOWELL: Petition of sundry citizens of Iowa, relative to returning the American soldiers from Russia; to the Committee on Military Affairs.

By Mr. GOODWIN of Arkansas: Petition of Walnut Hill Telephone Co., Lewisville, Ark., opposing House bill 4378; to the Committee on Interstate and Foreign Commerce.

By Mr. IGOE: Petition of Single Tax League of St. Louis, Mo., calling the attention of Congress to 4,000,000 acres of untilled land and asking Congress to investigate and determine why said land is not being cultivated; to the Committee on the Public Lands.

Also, petition of the legislative committee of the Central Trades and Labor Union of St. Louis, protesting against Senate bill 2715, which provides for a system of compulsory military training, filed by Jesse K. Keller, secretary legislative committee of the Central Trades and Labor Union; to the Committee on Military Affairs.

By Mr. MANSFIELD: Petition of American Hampshire Sheep Association, protesting against the repeal of the postal zone law; to the Committee on Ways and Means.

By Mr. MORIN: Petition of the American Refractories Co., of Pittsburgh, protesting against the passage of the magnesite tariff bill; to the Committee on Ways and Means.

By Mr. ROWAN: Petition of R. T. Lyman, of Boston, Mass., opposing the licensing feature of the so-called Longworth bill; to the Committee on Ways and Means.

Also, petition of J. P. Sullivan, of Newport, R. I., favoring legislation to increase Navy Department clerical employees at least 40 per cent; to the Committee on Naval Affairs.

Also, petition of John Campbell & Co., Marden, Orth & Hastings Corporation, and National Aniline & Chemical Co. (Inc.), all of New York, favoring the passage of the Longworth bill (H. R. 8078); to the Committee on Ways and Means.

Also, petition of Abraham & Straus, of New York City, protesting against the passage of Senate bill 2904 and House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of United Protective Association, of New York, indorsing House bills 6659 and 6577; to the Committee on Ways and Means.

By Mr. TIMBERLAKE: Petition of L. E. Smith, of Colorado Springs, Colo., favoring the Warfield plan for control of the railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. YATES: Petition of Marden, Orth & Hastings Corporation, of New York, favoring the passage of the Longworth bill; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, October 1, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in all our work we seek to come upon those high levels on which Thou dost compose the varied and conflicting interests of mankind. We work from Thee that we may transcribe Thy law into our human rule of action. We pray that Thou wilt lay Thy hand upon the unrest of the country, that Thou wilt bring into finer and more human and more divine understanding and relationship all the conflicting interests, and that we may live on a plane where God leads us in a blessed brotherhood and in a community of interest. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PEACE TREATY AND LEAGUE OF NATIONS.

Mr. CUMMINS. I present a telegram in the nature of a petition from P. S. Junkin, of Creston, Iowa, relative to the league of nations, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CRESTON, IOWA, September 27, 1919.

Senator A. B. CUMMINS,
Washington, D. C.:

This message is for you and Senator KENYON. At a mass meeting held in Creston to-day, resolutions were adopted which in part are as follows:

"We most heartily express our appreciation of the stand now being taken by the Iowa Senators upon the peace treaty and the league of nations, and we unequivocally commend them for their courageous defense of American rights and American interests. We desire to express our admiration for and our approval of United States Senators who have stood unswervingly for America in the league of nations fight, and have insisted upon such reservations and amendments as will protect American interests, and we hope they will carry on the fight to a successful conclusion."

P. S. JUNKIN, Secretary.

REPORTS OF COMMITTEES.

Mr. FRANCE, from the Committee on Public Health and National Quarantine, to which were referred the following bills and joint resolution, reported them severally with amendments and submitted reports thereon:

A bill (S. 2207) admitting civilian employees of the United States Government stricken with tuberculosis to Army and Navy hospitals (Rept. No. 231);

A bill (S. 2785) to provide aid from the United States for the several States in prevention and control of drug addiction and the care and treatment of drug addicts, and for other purposes (Rept. No. 232); and

A joint resolution (S. J. Res. 76) for the investigation of influenza and allied diseases in order to determine their cause and methods of prevention (Rept. No. 233).

Mr. NEW, from the Committee on Claims, to which was referred the bill (H. R. 3844) for the relief of Della James, reported it with an amendment and submitted a report (No. 234) thereon.

Mr. ROBINSON, from the Committee on Claims, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (S. 2672) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased (Rept. No. 236); and

A joint resolution (S. J. Res. 51) directing the Court of Claims to investigate claims for damages growing out of the riot of United States negro soldiers at Houston, Tex. (Rept. No. 235).

Mr. ROBINSON, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1255) authorizing the Texas Co. to bring suit against the United States (Rept. No. 238); and

A bill (S. 1302) for the relief of John H. Rheinlander (Rept. No. 237).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 3127) granting an increase of pension to Ella E. Pangburn; to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 3128) to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes; to the Committee on the Judiciary.

By Mr. TRAMMELL:

A bill (S. 3129) for the relief of Louisa Frow; to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 3130) for the establishment of a light vessel to mark the entrance to Grays Harbor, Wash.; to the Committee on Commerce.

By Mr. LODGE:

A bill (S. 3131) to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise, organize, and supply and equip armed forces of the United States in the existing war with Germany and its allies, and to protect citizens of the United States in Mexico and on the Mexican border; to the Committee on Foreign Relations.

A bill (S. 3132) authorizing the Secretary of War to donate to the city of Somerville, Mass., one German cannon or fieldpiece; and

A bill (S. 3133) authorizing the Secretary of War to donate to the city of Chicopee, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

A bill (S. 3134) granting an increase of pension to Clarence S. Hall; to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 3135) granting an increase of pension to John Walden; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3136) for the relief of Milton Jennings (with accompanying papers); to the Committee on Claims.

A bill (S. 3137) granting a pension to Adah E. Allen (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 3138) authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands for stockyards, and for other purposes, at Browning Station, in the State of Montana; to the Committee on Public Lands.

By Mr. SHEPPARD:

A bill (S. 3139) for the purchase of land adjoining Fort Bliss, Tex.; to the Committee on Military Affairs.

A bill (S. 3140) to amend the war-risk insurance act, approved October 6, 1917, so as to apply to members of the military or naval forces on and after April 6, 1917; to the Committee on Finance.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL.

Mr. ROBINSON submitted an amendment proposing to appropriate \$240, to make applicable the provisions of section 7 of the legislative, executive, and judicial appropriation act for the fiscal year 1920, to Leslie L. Biffle, an employee of the Senate folding room, intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

GOVERNMENT OF KOREA.

Mr. PHELAN submitted the following resolution (S. Res. 200), which was read and referred to the Committee on Foreign Relations:

Resolved, That the Senate of the United States express its sympathy with the aspirations of the Korean people for a government of their own choice.